

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 -----X

4 LETICIA FRANCINE STIDHUM,

5 Plaintiff,

6 -against-

CASE: 21-CV-07163

7 161-10 HILLSIDE AUTO AVE, LLC d/b/a HILLSIDE
8 AUTO OUTLET, and HILLSIDE AUTO MALL INC
9 d/b/a HILLSIDE AUTO MALL, ISHAQUE THANWALLA,
JORY BARON, RONALD M. BARON and ANDRIS GUZMAN,

10 Defendants.

11 -----X

12 February 24, 2023

13 10:00 A.M.

14
15 VIRTUAL EXAMINATION BEFORE TRIAL of
16 ISHAQUE THANWALLA, via Zoom, a Defendant
17 herein, held at the above-mentioned time and
18 taken before Lynn Luckman, a Notary Public
19 and Shorthand Reporter within and for the
20 State of New York.

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22
23 SANDY SAUNDERS REPORTING
24 254 South Main Street, Suite 216
25 New City, New York 10956
(845) 634-7561

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3</p> <p>4 TROY LAW, PLLC</p> <p>5 Attorneys for the Plaintiff</p> <p>6 41-25 Kissena Boulevard, Suite 103</p> <p>7 Flushing, NY 13555</p> <p>8 BY: Tiffany Troy, Esq.</p> <p>9</p> <p>10 MILMAN LABUDA LAW GROUP, PLLC</p> <p>11 3000 Marcus Avenue, Suite 3W8</p> <p>12 Lake Success, NY 11042-1073</p> <p>13 BY: Emanuel Kataev, Esq</p> <p>14 emanuel@millaborlaw.com</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 FEDERAL STIPULATIONS</p> <p>2</p> <p>3 IT IS HEREBY STIPULATED AND AGREED by</p> <p>4 and between counsel for the respective parties</p> <p>5 hereto that all objections except as to the</p> <p>6 form shall be reserved to the time of trial.</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that the sealing and filing of this deposition</p> <p>9 shall be hereby waived.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that this examination may be sworn to by the</p> <p>12 witness being examined before a notary public</p> <p>13 other than the notary public before whom</p> <p>14 examination was begun examination was begun.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 4</p> <p>1 Ishaque Thanwalla</p> <p>2 BY THE COURT REPORTER:</p> <p>3 The attorneys participating</p> <p>4 in this deposition</p> <p>5 acknowledge that I am not</p> <p>6 physically present in the</p> <p>7 deposition room and that I</p> <p>8 will be reporting this</p> <p>9 deposition remotely. They</p> <p>10 further acknowledge that, in</p> <p>11 lieu of an oath administered</p> <p>12 in person, I will administer</p> <p>13 the oath remotely. The</p> <p>14 parties and their counsel</p> <p>15 consent to this arrangement</p> <p>16 and waive any objections to</p> <p>17 this manner of reporting.</p> <p>18 MS. TROY: I consent</p> <p>19 MR. KATAEV: I consent.</p> <p>20</p> <p>21 * * *</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Ishaque Thanwalla</p> <p>2 I-S-H-A-Q-U-E T-H-A-N-W-A-L-L-A,</p> <p>3 a Defendant herein, after having been</p> <p>4 duly sworn by a Notary Public of the</p> <p>5 State of New York, was examined and</p> <p>6 testified as follows:</p> <p>7</p> <p>8 BY THE REPORTER:</p> <p>9 Q. Please state your full name</p> <p>10 for the record.</p> <p>11 A. Ishaque Thanwalla.</p> <p>12 Q. Please state your present</p> <p>13 address for the record.</p> <p>14 A. Business address: 161-10</p> <p>15 Hillside Avenue Jamaica, New York 11432.</p> <p>16 Home address: 7 Poplar Court, Great</p> <p>17 Neck, New York 11024.</p> <p>18 THE COURT REPORTER:</p> <p>19 Counsel, Mr. Kataev, will you</p> <p>20 be purchasing a copy of this</p> <p>21 transcript?</p> <p>22 MR. KATAEV: I will let</p> <p>23 you know. I will speak to my</p> <p>24 client.</p> <p>25 MS. TROY: Let's deem</p>

<p style="text-align: right;">Page 6</p> <p>1 Ishaque Thanwalla</p> <p>2 marked Plaintiff's Exhibit 1.</p> <p>3 (Plaintiff's Exhibit 1 deemed</p> <p>4 marked for identification).</p> <p>5 EXAMINATION BY</p> <p>6 TIFFANY TROY:</p> <p>7 Q. Mr. Thanwalla, was that your</p> <p>8 business address or your home address?</p> <p>9 A. That is my business address.</p> <p>10 Q. Can you state your residence for</p> <p>11 me as well?</p> <p>12 A. 7 Poplar Court, Great Neck, New</p> <p>13 York 11024.</p> <p>14 Welcome today.</p> <p>15 Q. Thank you for welcoming me</p> <p>16 today. Have you ever been part of a</p> <p>17 deposition before?</p> <p>18 MR. KATAEV: Objection to</p> <p>19 the form. You can answer.</p> <p>20 A. Yes.</p> <p>21 Q. Do you know what a deposition</p> <p>22 is?</p> <p>23 A. A deposition is when you ask</p> <p>24 questions and I answer the questions.</p> <p>25 Q. Correct. When was the last time</p>	<p style="text-align: right;">Page 7</p> <p>1 Ishaque Thanwalla</p> <p>2 that you had a deposition; you just</p> <p>3 mentioned that you participated in a</p> <p>4 deposition before?</p> <p>5 MR. KATAEV: Objection to</p> <p>6 the form. You can answer.</p> <p>7 A. That was over 15 years ago.</p> <p>8 Q. Do you recall for what?</p> <p>9 A. Not really, I can't recall.</p> <p>10 Q. Were you a party to a civil</p> <p>11 action or was that something else?</p> <p>12 A. I don't understand that</p> <p>13 question. What do you mean by "civil</p> <p>14 action?" I don't understand the law.</p> <p>15 Q. By that, I mean was there a</p> <p>16 plaintiff bringing an action against the</p> <p>17 defendant, and if you were either a</p> <p>18 plaintiff or a defendant in a civil action</p> <p>19 as opposed to a criminal matter.</p> <p>20 MR. KATAEV: Objection to</p> <p>21 the form.</p> <p>22 Q. Do you recall what the lawsuit</p> <p>23 was about?</p> <p>24 A. I can't, it was so long ago.</p> <p>25 Q. Since that is the case, I'm</p>
<p style="text-align: right;">Page 8</p> <p>1 Ishaque Thanwalla</p> <p>2 going to briefly explain what a deposition</p> <p>3 is and lay some ground rules going forward.</p> <p>4 A. Okay.</p> <p>5 Q. First, this deposition is for me</p> <p>6 to ask you questions and for you to answer</p> <p>7 my questions about the subject matter of</p> <p>8 that lawsuit. There is a separate action</p> <p>9 covering the wage and hours, and today we're</p> <p>10 only going to focus mostly on the pregnancy</p> <p>11 discrimination lawsuit; do you understand</p> <p>12 that?</p> <p>13 A. Yes, I understand.</p> <p>14 Q. Since the court reporter has to</p> <p>15 take down everything that you say, I ask</p> <p>16 that you give only verbal responses, so no</p> <p>17 shaking or nodding or any hand motions, no</p> <p>18 gestures; do you understand that?</p> <p>19 A. I represent to you that I have a</p> <p>20 habit, and I may do it as this is just a</p> <p>21 habit, but, I might shake my head back and</p> <p>22 forth. (Indicating).</p> <p>23 Q. That is not a problem as long as</p> <p>24 there is a verbal response together with the</p> <p>25 shaking or nodding of your head; there is no</p>	<p style="text-align: right;">Page 9</p> <p>1 Ishaque Thanwalla</p> <p>2 problem.</p> <p>3 A. Okay.</p> <p>4 Q. For the same reason, please</p> <p>5 speak loudly and clearly when you answer a</p> <p>6 question; do you understand?</p> <p>7 A. Yes.</p> <p>8 Q. The stenographer can only write</p> <p>9 one person down speaking at a time.</p> <p>10 Therefore, please do not start to answer a</p> <p>11 question of mine before I finish asking that</p> <p>12 question; likewise, I will not start a new</p> <p>13 question until you have finished answering</p> <p>14 my last question; do you understand?</p> <p>15 A. Yes.</p> <p>16 Q. If you need to take a break, for</p> <p>17 example to get a drink of water or to use</p> <p>18 the restroom, please let me know and I will</p> <p>19 call for a recess; do you understand?</p> <p>20 A. Yes.</p> <p>21 Q. However, there can be no break</p> <p>22 between one of my questions and your answer</p> <p>23 to that question; do you understand that?</p> <p>24 A. I don't understand the question.</p> <p>25 Q. Let me repeat it. Even if you</p>

<p style="text-align: right;">Page 10</p> <p>1 Ishaque Thanwalla</p> <p>2 are taking a break at any time, there is an</p> <p>3 assumption that you will not be calling for</p> <p>4 a break between one of my questions and</p> <p>5 before you answer that question; do you</p> <p>6 understand that?</p> <p>7 A. I understand -- you mean if I</p> <p>8 ask to take a break and there is a question,</p> <p>9 that I have to complete an answer before I</p> <p>10 ask for that break?</p> <p>11 Q. Correct.</p> <p>12 A. Right, correct.</p> <p>13 Q. From time to time your attorney</p> <p>14 may make objections to my question.</p> <p>15 Generally, unless your attorney tells you</p> <p>16 not to answer, you will still have to</p> <p>17 respond; do you understand?</p> <p>18 A. Not really. That's why I have</p> <p>19 an attorney.</p> <p>20 Q. Let me backtrack for a second.</p> <p>21 From time to time as we are going along in</p> <p>22 the deposition, your attorney may make some</p> <p>23 objections to my questions saying</p> <p>24 "objection" for blah blah blah reasons."</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 11</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Generally unless your attorney</p> <p>3 directs you not to answer, you still need to</p> <p>4 respond; do you understand that instruction?</p> <p>5 A. Not to answer? What's the</p> <p>6 reason for him telling me not to answer a</p> <p>7 question?</p> <p>8 MR. KATAEV: She is saying</p> <p>9 that if I tell you not to</p> <p>10 answer, then we will deal</p> <p>11 with that later.</p> <p>12 THE WITNESS: Yes.</p> <p>13 Q. Do you understand?</p> <p>14 A. Yes.</p> <p>15 Q. If you don't understand a</p> <p>16 question, tell me and I will rephrase it so</p> <p>17 that you can; do you understand that?</p> <p>18 A. Yes.</p> <p>19 Q. If you do not hear a question,</p> <p>20 tell me and I will repeat it so that you</p> <p>21 can; do you understand?</p> <p>22 A. Yes.</p> <p>23 Q. We are here together for facts</p> <p>24 and not speculation. If you don't know the</p> <p>25 answer to a question, say so; do you</p>
<p style="text-align: right;">Page 12</p> <p>1 Ishaque Thanwalla</p> <p>2 understand that?</p> <p>3 A. Yes.</p> <p>4 Q. Before the deposition, you</p> <p>5 mentioned that a deposition took place 15</p> <p>6 years ago. Were you ever deposed at any</p> <p>7 other time?</p> <p>8 A. No.</p> <p>9 Q. Do you understand that you have</p> <p>10 taken an oath to tell the truth?</p> <p>11 A. Yes.</p> <p>12 Q. Do you understand that your oath</p> <p>13 to tell the truth carries the same force and</p> <p>14 effect as if you are testifying in Court</p> <p>15 before a Judge?</p> <p>16 A. Yes.</p> <p>17 Q. Are you currently taking any</p> <p>18 medications that could prevent you from</p> <p>19 recalling the truth or testifying truthfully</p> <p>20 today?</p> <p>21 A. Not to my knowledge. I do take</p> <p>22 a Sudafed for my sinuses.</p> <p>23 Q. To your knowledge, it would not</p> <p>24 affect your ability to tell the truth or</p> <p>25 recall truthfully?</p>	<p style="text-align: right;">Page 13</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Best of my ability, I don't</p> <p>3 think so, I don't think it's going to</p> <p>4 affect.</p> <p>5 MS. TROY: Please zoom in</p> <p>6 a little bit for the court</p> <p>7 reporter.</p> <p>8 THE WITNESS: Okay.</p> <p>9 MR. KATAEV: Let the</p> <p>10 record reflect that the</p> <p>11 plaintiff is present</p> <p>12 virtually.</p> <p>13 Q. Mr. Thanwalla, are you currently</p> <p>14 under any physical or emotional condition</p> <p>15 that could prevent you from recalling the</p> <p>16 truth or testifying truthfully today?</p> <p>17 A. No.</p> <p>18 Q. Do you have a cell phone on or</p> <p>19 near you?</p> <p>20 A. Yes.</p> <p>21 Q. Do you agree that during this</p> <p>22 deposition today, except during the break,</p> <p>23 you will not be using your cell phone?</p> <p>24 A. Yes. That's why I just turned</p> <p>25 it off.</p>

<p style="text-align: right;">Page 14</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Do you understand that except</p> <p>3 for the documents that I will be showing you</p> <p>4 on the Zoom screen today, that you will not</p> <p>5 be reviewing any other documents?</p> <p>6 A. I will not be reviewing any</p> <p>7 other documents. The only ones are the</p> <p>8 documents that you provide, is that what you</p> <p>9 are saying?</p> <p>10 Q. Correct.</p> <p>11 A. Okay.</p> <p>12 Q. I see that you have a notepad on</p> <p>13 the desk. I ask that during the pendency of</p> <p>14 this deposition that you do not use that</p> <p>15 notepad.</p> <p>16 MR. KATAEV: It was just</p> <p>17 there, we are moving it.</p> <p>18 (Indicating)</p> <p>19 A. Yes.</p> <p>20 Q. During this deposition, to make</p> <p>21 things easier for ourselves, I'm going to be</p> <p>22 referring to the company 161-10 Hillside</p> <p>23 Auto Avenue, LLC, which is doing business as</p> <p>24 Hillside Auto Outlet as Hillside Auto</p> <p>25 Outlet; do you understand that?</p>	<p style="text-align: right;">Page 15</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Yes.</p> <p>3 Q. In the same vein, I'm going to</p> <p>4 be referring to the corporate defendant</p> <p>5 Hillside Auto Mall Inc., which is doing</p> <p>6 business as Hillside Auto Mall; do you</p> <p>7 understand that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you own the residence that</p> <p>10 you gave at the beginning of this</p> <p>11 deposition?</p> <p>12 MR. KATAEV: Objection as</p> <p>13 to relevancy. You can answer.</p> <p>14 A. No.</p> <p>15 Q. Have you lived anywhere else</p> <p>16 within the past five years?</p> <p>17 A. Yes.</p> <p>18 Q. Starting from the most recent,</p> <p>19 where have you lived besides the residence</p> <p>20 that you gave at the beginning of this</p> <p>21 deposition?</p> <p>22 A. In Bayside.</p> <p>23 Q. Prior to that, was that over 10</p> <p>24 years?</p> <p>25 MR. KATAEV: Objection as</p>
<p style="text-align: right;">Page 16</p> <p>1 Ishaque Thanwalla</p> <p>2 to relevancy on that</p> <p>3 question. The witness can</p> <p>4 answer.</p> <p>5 Q. Do you know?</p> <p>6 A. (No response)</p> <p>7 Q. Do you have the Bayside address?</p> <p>8 A. Correct.</p> <p>9 Q. Can you give that to me?</p> <p>10 A. 1578 Waters Edge Drive,</p> <p>11 Apartment 1, Bayside, NY 11360.</p> <p>12 Q. What is your highest level of</p> <p>13 education?</p> <p>14 A. High school.</p> <p>15 Q. What school did you attend?</p> <p>16 A. Baf. B-A-F High school</p> <p>17 Q. Was that in the United States?</p> <p>18 A. No.</p> <p>19 Q. Where did you attend that high</p> <p>20 school?</p> <p>21 A. That was in my country, which</p> <p>22 was Pakistan that I was born in.</p> <p>23 Q. What year did you come to the</p> <p>24 United States?</p> <p>25 A. I would say in the 80s, early</p>	<p style="text-align: right;">Page 17</p> <p>1 Ishaque Thanwalla</p> <p>2 80s, but I can't recall the year.</p> <p>3 Q. Are you familiar with the</p> <p>4 Hillside Auto Outlet?</p> <p>5 MR. KATAEV: Objection to</p> <p>6 the form. You can answer.</p> <p>7 A. Yes.</p> <p>8 Q. How are you familiar with that</p> <p>9 company?</p> <p>10 A. I run the place and I own 25</p> <p>11 percentage in that company.</p> <p>12 Q. Since when have you run the</p> <p>13 place?</p> <p>14 A. From the day we started.</p> <p>15 Q. What year?</p> <p>16 A. It was -- I can't -- I would say</p> <p>17 2018, if I'm not wrong.</p> <p>18 Q. You mentioned that you owned</p> <p>19 shares in the company, what percentage did</p> <p>20 you own?</p> <p>21 Q. What was the question again?</p> <p>22 MS. TROY: Ms. Court</p> <p>23 reporter, can you please read</p> <p>24 back the last question?</p> <p>25 (The reporter read back the</p>

<p style="text-align: right;">Page 18</p> <p>1 Ishaque Thanwalla</p> <p>2 last question)</p> <p>3 A. I own 25 percent.</p> <p>4 Q. Besides that, did that</p> <p>5 percentage ever change?</p> <p>6 A. I don't understand your</p> <p>7 question.</p> <p>8 Q. Did that 25 percent, was that</p> <p>9 the same percent from 2018 to the present</p> <p>10 day?</p> <p>11 A. Yes.</p> <p>12 Q. Who else owns shares of Hillside</p> <p>13 Auto Outlet?</p> <p>14 A. It is Jory, Josh and David.</p> <p>15 Q. By Josh, do you mean Josh</p> <p>16 Aaronson.</p> <p>17 A. Yes.</p> <p>18 Q. By Jory, do you mean Jory Baron?</p> <p>19 A. Yes.</p> <p>20 Q. By David, do you mean David</p> <p>21 Baron?</p> <p>22 A. Yes.</p> <p>23 Q. When did David Baron pass away?</p> <p>24 A. I think it was two years ago.</p> <p>25 MR. KATAEV: Objection.</p>	<p style="text-align: right;">Page 19</p> <p>1 Ishaque Thanwalla</p> <p>2 You are talking about facts</p> <p>3 not in evidence, but he</p> <p>4 answered.</p> <p>5 THE COURT REPORTER: A lot</p> <p>6 of times I even asked him he</p> <p>7 said it's fine, I asked him</p> <p>8 "do you want me to put in the</p> <p>9 objection before he answers</p> <p>10 or after he answers" and he</p> <p>11 kept saying leave it alone.</p> <p>12 So, he objects after the</p> <p>13 question it answered.</p> <p>14 Q. What percentage did Jory Baron</p> <p>15 own in Hillside Auto Outlet?</p> <p>16 MR. KATAEV: Objection to</p> <p>17 the form. You can answer.</p> <p>18 A. Twenty five percent.</p> <p>19 Q. How about Josh Aaronson?</p> <p>20 MR. KATAEV: Same</p> <p>21 objection. You can answer.</p> <p>22 A. Twenty five percent.</p> <p>23 Q. David Baron own the remaining 25</p> <p>24 percent; is that correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 20</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Was that the same from the start</p> <p>3 of the company from 2018 to the present day?</p> <p>4 A. Didn't you already ask me that</p> <p>5 and I answered?</p> <p>6 MR. KATAEV: Objection as</p> <p>7 to asked and answered. You</p> <p>8 may answer again.</p> <p>9 A. Yes.</p> <p>10 Q. Specifically, I mean just not</p> <p>11 your own shares, but the other people's</p> <p>12 shares also represented 25 percent from 2018</p> <p>13 to the present day; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Are you currently employed?</p> <p>16 A. Well, what exactly do you mean,</p> <p>17 do you mean if I own shares of my company</p> <p>18 and I run the company?</p> <p>19 Q. I mean --</p> <p>20 A. So, what exactly do you mean,</p> <p>21 define employed. I am running my own</p> <p>22 company that I own 25 percent of, is that</p> <p>23 what you are referring to?</p> <p>24 MS. TROY: I will rephrase</p> <p>25 the last question.</p>	<p style="text-align: right;">Page 21</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Please.</p> <p>3 Q. Besides Hillside Auto Outlet, do</p> <p>4 you currently run any other company?</p> <p>5 A. No.</p> <p>6 Q. Are you familiar with a company</p> <p>7 Hillside Auto Mall?</p> <p>8 A. I am. Oh, what was the question</p> <p>9 again? Am I aware of a company called</p> <p>10 Hillside Auto Mall?</p> <p>11 Q. Familiar.</p> <p>12 A. Yes, I am familiar with it.</p> <p>13 Q. How are you familiar with it?</p> <p>14 A. The way I am familiar with that</p> <p>15 is my partners may have a shareholder on</p> <p>16 that company.</p> <p>17 Q. By that, do you mean Ronald</p> <p>18 Baron, Josh Aaronson and Raymond Phelan. P-</p> <p>19 H-E-L-A-N?</p> <p>20 A. Yes, possibly.</p> <p>21 MR. KATAEV: Objection to</p> <p>22 the form of that question.</p> <p>23 Q. Do you have the address for</p> <p>24 Hillside Auto Mall?</p> <p>25 A. The Mall? I can't remember</p>

<p style="text-align: right;">Page 22</p> <p>1 Ishaque Thanwalla</p> <p>2 their address.</p> <p>3 Q. How about do you know how far it</p> <p>4 is from Hillside Auto Outlet?</p> <p>5 MR. KATAEV: Objection to</p> <p>6 the form as to relevancy, you</p> <p>7 can answer.</p> <p>8 A. Approximately 10 or 11 blocks.</p> <p>9 Q. Are you familiar with Shylet S-</p> <p>10 H-Y-L-E-T Motors?</p> <p>11 A. Yes.</p> <p>12 Q. How are you familiar with them?</p> <p>13 A. Yes, they are across the street</p> <p>14 from me.</p> <p>15 Q. "By me" do you mean Hillside</p> <p>16 Auto Outlet; correct?</p> <p>17 A. Yes.</p> <p>18 Q. How about Gateway Car</p> <p>19 Dealership?</p> <p>20 A. They are on the -- they're close</p> <p>21 to Hillside Auto Mall.</p> <p>22 Q. How about Best Auto Outlet?</p> <p>23 A. I'm confused with these</p> <p>24 questions and why you are asking --</p> <p>25 Q. Please don't, please just answer</p>	<p style="text-align: right;">Page 23</p> <p>1 Ishaque Thanwalla</p> <p>2 my questions, don't question my question.</p> <p>3 MR. KATAEV: Objection as</p> <p>4 to relevancy. You can answer</p> <p>5 the question.</p> <p>6 A. Best Auto Outlet is I think in</p> <p>7 Suffolk County.</p> <p>8 Q. Did Hillside Auto Outlet</p> <p>9 employees, meaning the car salespeople ever</p> <p>10 sell cars from nearby auto outlets or</p> <p>11 dealerships?</p> <p>12 A. Can you clarify that question?</p> <p>13 Q. The question is a yes or no</p> <p>14 question. My question is: have Hillside</p> <p>15 Auto Outlet car salespeople ever sold cars</p> <p>16 from other dealerships during their</p> <p>17 employment with Hillside Auto Outlet?</p> <p>18 A. In our business, yes, you</p> <p>19 mentioned a lot of dealerships names. So,</p> <p>20 the customer, so if a customer comes to us</p> <p>21 and we don't have a car in our stock, so we</p> <p>22 look at the sales, we look at anywhere if</p> <p>23 they have a car available, and we call them</p> <p>24 and request them and we can buy their car to</p> <p>25 sell to our client. Does that answer your</p>
<p style="text-align: right;">Page 24</p> <p>1 Ishaque Thanwalla</p> <p>2 question?</p> <p>3 Q. To your knowledge, do any of</p> <p>4 your partners own shares in Shylet Motors?</p> <p>5 A. Not that I know of.</p> <p>6 Q. How about Gateway Car</p> <p>7 Dealership?</p> <p>8 A. Not that I know of.</p> <p>9 Q. Have you ever spoken with</p> <p>10 Hillside Auto Outlet employees concerning</p> <p>11 where they should take the customers if the</p> <p>12 customers did not like any cars in the lots</p> <p>13 of Hillside Auto Outlet?</p> <p>14 A. Are you asking me -- let me</p> <p>15 understand this question correctly. Did I</p> <p>16 ask if a car is not in stock, if we can go</p> <p>17 to the car dealer across the street, did I</p> <p>18 ask my salespeople to show them a car, is</p> <p>19 that what you are asking?</p> <p>20 MS. TROY: You can answer</p> <p>21 my question first based on</p> <p>22 your understanding and then I</p> <p>23 will follow-up with more</p> <p>24 questions.</p> <p>25 A. That's what my understanding is,</p>	<p style="text-align: right;">Page 25</p> <p>1 Ishaque Thanwalla</p> <p>2 that's what you are asking me, and I don't</p> <p>3 know the right way or the wrong way to</p> <p>4 answer the question.</p> <p>5 Q. Again, I'm asking you to answer</p> <p>6 the questions based on your understanding of</p> <p>7 the question.</p> <p>8 A. This is my understanding --</p> <p>9 MR. KATAEV: Let me just</p> <p>10 say this to help both of you</p> <p>11 out. You have to answer the</p> <p>12 question, you cannot ask her</p> <p>13 questions. But, if in your</p> <p>14 question it is based on your</p> <p>15 understanding --</p> <p>16 THE WITNESS: My</p> <p>17 understanding is that she's</p> <p>18 mentioning if I don't have a</p> <p>19 car, my salespeople can go</p> <p>20 across the street and bring</p> <p>21 the car to my lot and then</p> <p>22 sell it? Is that right?</p> <p>23 Q. Have you ever told any Hillside</p> <p>24 Auto Outlet employees that you better not</p> <p>25 sell the car from the other dealerships,</p>

<p style="text-align: right;">Page 26</p> <p>1 Ishaque Thanwalla</p> <p>2 mostly you should do so and sell the car</p> <p>3 from Hillside Auto Mall?</p> <p>4 A. Are you saying don't sell anyone</p> <p>5 the car from the dealership across the</p> <p>6 street but Hillside Auto Mall, is that what</p> <p>7 you are asking me?</p> <p>8 Q. Yes.</p> <p>9 A. No. Why would I hurt my own</p> <p>10 sales?</p> <p>11 Q. Have you ever informed them</p> <p>12 because Hillside Auto Mall is owned in part</p> <p>13 by your partners, Hillside Auto Outlet, they</p> <p>14 did not have the cars available that you</p> <p>15 preferred, your preference was for them to</p> <p>16 go to the Hillside Auto Mall?</p> <p>17 A. No. We look for the inventory</p> <p>18 wherever it's available and that's why we</p> <p>19 sell the cars. That is we pick up the car</p> <p>20 and bring the car and sell it on our lot.</p> <p>21 Q. Have you ever told Hillside Auto</p> <p>22 employees, Hillside Outlet Auto employees,</p> <p>23 that you have a preference for them to sell</p> <p>24 cars if a car is not available at Hillside</p> <p>25 Auto Outlet for them to go to Hillside Auto</p>	<p style="text-align: right;">Page 27</p> <p>1 Ishaque Thanwalla</p> <p>2 Mall?</p> <p>3 MR. KATAEV: Objection to</p> <p>4 the form. Asked and answered,</p> <p>5 you can answer again.</p> <p>6 A. No.</p> <p>7 Q. What are your responsibilities</p> <p>8 as the owner, part-owner of Hillside Auto</p> <p>9 Outlet?</p> <p>10 A. My title is general manager.</p> <p>11 That consists of a lot of responsibilities:</p> <p>12 hiring the employees, firing the employees,</p> <p>13 making sure that the deals are done the</p> <p>14 right way, making sure that the deals are</p> <p>15 funded, making sure it is running smoothly,</p> <p>16 the operations are running smoothly, making</p> <p>17 sure the inventory is serviced, making sure</p> <p>18 everything with the DMV is done correctly</p> <p>19 and on time. If it's not done correctly and</p> <p>20 on time, I have to make sure that I have to</p> <p>21 discipline the people who are in that</p> <p>22 department.</p> <p>23 I have to look into every department</p> <p>24 and make sure everything is running smoothly</p> <p>25 and in a timely fashion where it does not</p>
<p style="text-align: right;">Page 28</p> <p>1 Ishaque Thanwalla</p> <p>2 affect the business licenses and compliance</p> <p>3 as well.</p> <p>4 Q. You mentioned that part of your</p> <p>5 responsibilities were to hire employees. Do</p> <p>6 you recall hiring Leticia Stidhum?</p> <p>7 A. Yes, very well.</p> <p>8 Q. Can you describe what the hiring</p> <p>9 process was like?</p> <p>10 A. She came for an interview and</p> <p>11 she sent a resume to Craig's list, if I can</p> <p>12 recall that and she came in and interviewed</p> <p>13 with me. I like to give people an</p> <p>14 opportunity when anyone walks in, if it's a</p> <p>15 candidate that is intelligent enough to hold</p> <p>16 a conversation right away, and then I hire</p> <p>17 them.</p> <p>18 Q. Do you recall when you hired</p> <p>19 her, the date?</p> <p>20 A. I can't recall that.</p> <p>21 Q. During that conversation, during</p> <p>22 that hiring process that you just described,</p> <p>23 did you tell her what her pay was going to</p> <p>24 be?</p> <p>25 A. Yes, well, yes. She is a</p>	<p style="text-align: right;">Page 29</p> <p>1 Ishaque Thanwalla</p> <p>2 commission salesperson and her compensation</p> <p>3 consisted of approximately \$300 a week</p> <p>4 salary, plus \$150 commission, plus bonus,</p> <p>5 also, if there was any individual car that</p> <p>6 had a bonus. We have many bonuses, we have</p> <p>7 weekly bonuses, we have daily bonuses,</p> <p>8 certain cars, it's old age and we have a</p> <p>9 bonus.</p> <p>10 Q. To clarify, when you said plus</p> <p>11 \$150 commission, is that \$150 per car</p> <p>12 commission?</p> <p>13 A. It's called a flat commission</p> <p>14 rate, yes. Plus the salary, plus the</p> <p>15 bonuses if there are any changes.</p> <p>16 Q. Can you describe for me what the</p> <p>17 differences are between the monthly, weekly,</p> <p>18 and daily bonuses?</p> <p>19 A. Okay, very simple. Let's take</p> <p>20 one step at a time. So, you have a salary</p> <p>21 as a side salary, correct? If they sell a</p> <p>22 car, they have \$150 flat commission, and</p> <p>23 let's putting that aside for a second.</p> <p>24 Now, let me explain what the bonuses</p> <p>25 are, so certain cars are old age, and as an</p>

<p style="text-align: right;">Page 30</p> <p>1 Ishaque Thanwalla</p> <p>2 example, in this industry, if we have a car</p> <p>3 for over 60 days we like to get rid of it as</p> <p>4 fast as possible because it is costing us</p> <p>5 and it is depreciating, the money is</p> <p>6 depreciating. So, we may add another \$20 or</p> <p>7 \$25 as a bonus.</p> <p>8 Sometimes the car is 90 days old, it's a</p> <p>9 90-day old unit, and we may put \$50 or even</p> <p>10 5 percent additional commission on that,</p> <p>11 depending on the day.</p> <p>12 Q. Specifically, when we were</p> <p>13 talking about Leticia, what was the bonuses</p> <p>14 that were promised to her?</p> <p>15 MR. KATAEV: Objection to</p> <p>16 the form. You can answer.</p> <p>17 A. There is no promises to begin</p> <p>18 with, only thing we would tell you our</p> <p>19 bonuses, our bonus structure changes daily,</p> <p>20 weekly, and monthly. So, whatever was in</p> <p>21 that week, that is the bonus that she got.</p> <p>22 If there's a 5 percent or \$25 additional or</p> <p>23 \$50 additional, or maybe \$500. I can't</p> <p>24 answer that question 100 percent. To the</p> <p>25 best of my ability, I have given you the</p>	<p style="text-align: right;">Page 31</p> <p>1 Ishaque Thanwalla</p> <p>2 complete structure. It could be 5 percent,</p> <p>3 25 percent, it could be \$5 -- I'm sorry, it</p> <p>4 could be \$50. Maybe a bigger bonus for that</p> <p>5 week based on the day, based on the time.</p> <p>6 Every day they have new bonuses, not exactly</p> <p>7 every day, but let's say on a Saturday just</p> <p>8 to give you an example, you sell three cars</p> <p>9 and deliver those cars. You get additional</p> <p>10 \$100 bonus. So, which we provide bonuses or</p> <p>11 we will say "it's three cars," and we're</p> <p>12 going to "give you additional 5 percent."</p> <p>13 It all depends.</p> <p>14 Q. So, let's break down the</p> <p>15 conversation that happened during hiring;</p> <p>16 did you talk at all about the schedule,</p> <p>17 meaning the work schedule that Leticia would</p> <p>18 be given as a commission salesperson?</p> <p>19 A. Yes. She was to get a 40-hour</p> <p>20 schedule.</p> <p>21 Q. Can you tell me what that</p> <p>22 schedule is?</p> <p>23 A. How can I tell you? I don't</p> <p>24 have a schedule in front of me.</p> <p>25 Q. Did she regularly work a certain</p>
<p style="text-align: right;">Page 32</p> <p>1 Ishaque Thanwalla</p> <p>2 number of days or did that change from week-</p> <p>3 to-week?</p> <p>4 A. Some days she worked five days,</p> <p>5 most of the time, but she usually would have</p> <p>6 weekdays, Thursday, Tuesday, depending on</p> <p>7 your schedule off, you would have a Sunday.</p> <p>8 All of the schedules changed every week,</p> <p>9 every industry, you have to come in the</p> <p>10 beginning of a week, and you get the</p> <p>11 schedule.</p> <p>12 Q. Can you tell me what time she</p> <p>13 would be expected to arrive at work?</p> <p>14 A. About 10 o'clock.</p> <p>15 Q. How about what time would she be</p> <p>16 expected to leave work?</p> <p>17 A. The work time would be our</p> <p>18 business hours are between 10:00 and 7:00 or</p> <p>19 10:00 to 8:00. It also depends, if it's</p> <p>20 wintertime or summertime.</p> <p>21 Q. Let's start from the wintertime,</p> <p>22 what would that time be?</p> <p>23 A. About 10:00 to 7:00.</p> <p>24 Q. How about the summertime?</p> <p>25 A. Mostly it's 10 to 8:00 is the</p>	<p style="text-align: right;">Page 33</p> <p>1 Ishaque Thanwalla</p> <p>2 schedule or the dealership opens hours, not</p> <p>3 the schedule hours. But the dealership is</p> <p>4 open through 10:00 and 8:00. So, maybe</p> <p>5 Leticia would start at 12:00 to 8:00 or</p> <p>6 10:00 to 6:00, something like that. It all</p> <p>7 depends.</p> <p>8 Q. How would you describe the foot</p> <p>9 traffic at Hillside Auto Outlet, and in</p> <p>10 terms of the timeframe, you can say</p> <p>11 generally, or specifically, but I'm asking</p> <p>12 about 2019.</p> <p>13 A. When you say "foot traffic," can</p> <p>14 you give me a little more elaboration?</p> <p>15 Q. Sure. Would you describe your</p> <p>16 store as a busy store and the timeframe is</p> <p>17 2019?</p> <p>18 A. Which timeframe?</p> <p>19 Q. The year 2019.</p> <p>20 A. It is too long for me to</p> <p>21 describe that. Our business changes based</p> <p>22 on the season.</p> <p>23 Q. So, why don't you just describe</p> <p>24 for me generally what the business was like</p> <p>25 based on the season.</p>

<p style="text-align: right;">Page 34</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Okay. Giving you an example, it</p> <p>3 would be busy traffic after March, it would</p> <p>4 be busy; April, May, June, July August,</p> <p>5 starting to go down; September goes down;</p> <p>6 October, November is slow and December is</p> <p>7 very slow, and January is slow. February is</p> <p>8 slow and in March it starts to pick up.</p> <p>9 Q. So, you would describe March</p> <p>10 through August as the busy months?</p> <p>11 A. Correct.</p> <p>12 Q. September through February as</p> <p>13 less than busy?</p> <p>14 A. Less busy, you got it right.</p> <p>15 Q. How many cars would Hillside</p> <p>16 Auto Outlet sell on a monthly or weekly</p> <p>17 basis, on a monthly or weekly basis between</p> <p>18 March and August?</p> <p>19 MR. KATAEV: Objection as</p> <p>20 to compound. You can answer</p> <p>21 the question.</p> <p>22 A. March would be a busy month and</p> <p>23 I can't really give you a number. So, I</p> <p>24 would say 72 or 75 cars in March and April,</p> <p>25 and somewhere around that neighborhood and</p>	<p style="text-align: right;">Page 35</p> <p>1 Ishaque Thanwalla</p> <p>2 October and November and December would slow</p> <p>3 down to 30 or 50 cars a month.</p> <p>4 It's not only our -- my dealership, it's 90</p> <p>5 percent of the dealerships.</p> <p>6 Q. Has Leticia ever worked a mixed</p> <p>7 schedule, meaning a schedule that was not</p> <p>8 fixed during her time at Hillside Auto?</p> <p>9 A. What do you mean by "mixed</p> <p>10 schedule?" It's confusing to me.</p> <p>11 MS. TROY: Let me</p> <p>12 rephrase it.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 Q. When Leticia worked for Hillside</p> <p>15 Auto Mall, she always reported to work at</p> <p>16 10:00 a.m.?</p> <p>17 A. She never worked for Auto Mall.</p> <p>18 Q. I mean Hillside Outlet.</p> <p>19 A. That is Outlet, not the Mall.</p> <p>20 You just said "Mall," that is why she has</p> <p>21 never worked for the mall. She worked for</p> <p>22 only Hillside Auto outlet.</p> <p>23 Q. My question is: when Leticia</p> <p>24 worked for Hillside Auto Outlet, did she</p> <p>25 always start working at 10:00 a.m.?</p>
<p style="text-align: right;">Page 36</p> <p>1 Ishaque Thanwalla</p> <p>2 A. No, some days she worked late</p> <p>3 and some days she was off. I think she chose</p> <p>4 -- how can she be if she always started at</p> <p>5 10:00 a.m.?</p> <p>6 A. Is it fair to say that on days</p> <p>7 that she worked, she would start working at</p> <p>8 10:00?</p> <p>9 A. I can't -- you are repeating</p> <p>10 yourself on this question which is as I</p> <p>11 said, based on her schedule. If her shift</p> <p>12 started, let's say she started late, if her</p> <p>13 shift started at 10 o'clock, she would start</p> <p>14 at 10 o'clock and her shift says she was</p> <p>15 supposed to start at 11:00 or 12:00, she</p> <p>16 would start at 11:00 or 12:00.</p> <p>17 MR. KATAEV: Objection to</p> <p>18 that. It was asked and</p> <p>19 answered already.</p> <p>20 Q. Are you saying that there is a</p> <p>21 10:00 a.m. shift and 11:00 a.m. shift and a</p> <p>22 12:00 p.m. shift?</p> <p>23 MR. KATAEV: Objection to</p> <p>24 form. You can answer.</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 37</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Regardless of what time Leticia</p> <p>3 started, what time would she end work?</p> <p>4 A. She would end work when the</p> <p>5 shift is finished.</p> <p>6 Q. When would the shift be</p> <p>7 finished; let's start from the 10:00 a.m.</p> <p>8 shift?</p> <p>9 A. When I gave you the answer for</p> <p>10 my question, what time the operating hours</p> <p>11 are, the hours are 7 in the wintertime and 8</p> <p>12 in the summertime.</p> <p>13 MR. KATAEV: Objection.</p> <p>14 Asked and answered.</p> <p>15 Q. During the workday, would she</p> <p>16 have any break time?</p> <p>17 A. Sure she did, she went out for</p> <p>18 the break, always did. Her and David</p> <p>19 Manrique.</p> <p>20 Q. Was there a fixed time for</p> <p>21 break?</p> <p>22 A. Fixed time for break? This is</p> <p>23 how the break works. It's an eight-hour</p> <p>24 shift and they can either take a whole hour</p> <p>25 or they can take two different breaks, 25 or</p>

<p style="text-align: right;">Page 38</p> <p>1 Ishaque Thanwalla</p> <p>2 15 minute breaks and one and one half hour</p> <p>3 break. It depends on them.</p> <p>4 Q. Is that every workday?</p> <p>5 A. Every workday. Why would it be</p> <p>6 different?</p> <p>7 Q. During that, and let's talk</p> <p>8 about that for a second, is there a time</p> <p>9 clock at Hillside Auto?</p> <p>10 A. No.</p> <p>11 Q. Was there a method by Hillside</p> <p>12 Auto to keep track of the employee's</p> <p>13 attendance?</p> <p>14 A. We used to keep track, yes. That</p> <p>15 is how they got paid.</p> <p>16 Q. Can you describe how the</p> <p>17 employee's time was kept track of?</p> <p>18 A. They came and signed-in and when</p> <p>19 they went out for a break, they signed out</p> <p>20 at the desk.</p> <p>21 Q. Do you still have those records?</p> <p>22 A. Unfortunately, we had a robbery.</p> <p>23 There were a lot of records that were</p> <p>24 missing, that was missing.</p> <p>25 Q. When did the robbery take place?</p>	<p style="text-align: right;">Page 39</p> <p>1 Ishaque Thanwalla</p> <p>2 A. I can't recall the exact date.</p> <p>3 Q. Do you recall the year?</p> <p>4 A. Yes, it was 2019 or 2018. I</p> <p>5 have no idea, I have to look.</p> <p>6 Q. Was a police report filed in</p> <p>7 conjunction with the robbery?</p> <p>8 A. Yes.</p> <p>9 Q. Besides the employee's</p> <p>10 attendance records, what else was taken?</p> <p>11 A. Quite a few files that I can't</p> <p>12 remember exactly what it was.</p> <p>13 Q. Are you familiar with an</p> <p>14 individual by the name of Deana Jennings?</p> <p>15 A. Yes.</p> <p>16 Q. How are you familiar with her?</p> <p>17 A. She was the controller at the</p> <p>18 time.</p> <p>19 Q. What is her role now?</p> <p>20 A. To make sure the payroll is</p> <p>21 done, making sure the deals were funded,</p> <p>22 making sure the accountings were good.</p> <p>23 Q. Was her role in 2018 and 2019</p> <p>24 the same as her role is now?</p> <p>25 A. She's no longer working with me;</p>
<p style="text-align: right;">Page 40</p> <p>1 Ishaque Thanwalla</p> <p>2 I have a new controller and her name is</p> <p>3 Susan.</p> <p>4 Q. When did Deana Jennings leave</p> <p>5 work at Hillside Outlet?</p> <p>6 A. I can't recall the exact date.</p> <p>7 Q. What was Deana Jennings'</p> <p>8 position before she left?</p> <p>9 A. I don't understand your</p> <p>10 question.</p> <p>11 Q. Did she have a title, like for</p> <p>12 instance, you are the general manager,</p> <p>13 right? Did she have a title?</p> <p>14 A. Yes, I answered that question to</p> <p>15 you as her title was controller.</p> <p>16 Q. Was she employed by Hillside</p> <p>17 Auto Outlet?</p> <p>18 A. Yes.</p> <p>19 Q. Was she also employed at the</p> <p>20 same time at Hillside Auto Mall?</p> <p>21 MR. KATAEV: Objection to</p> <p>22 the form. You can answer.</p> <p>23 A. Yes.</p> <p>24 Q. What was her title at Hillside</p> <p>25 Auto Mall?</p>	<p style="text-align: right;">Page 41</p> <p>1 Ishaque Thanwalla</p> <p>2 A. I can't answer that question</p> <p>3 because I don't know. Anybody can have two</p> <p>4 jobs, it's certainly not my place. Certain</p> <p>5 hours at my place and certain hours -- I</p> <p>6 can't answer that, what she did over there.</p> <p>7 Q. To your knowledge, was she also</p> <p>8 in charge of billing at Hillside Auto Mall?</p> <p>9 MR. KATAEV: Objection to the</p> <p>10 form. You can answer.</p> <p>11 A. I can't answer that question., I</p> <p>12 don't know. I don't go there for me to see</p> <p>13 what she does.</p> <p>14 Q. Right now you've stated that you</p> <p>15 have a new controller and the name is Susan.</p> <p>16 Do you have Susan's last name?</p> <p>17 A. Her last name is -- I can't</p> <p>18 pronounce it, but I call her Susan "Z". I</p> <p>19 can get the name for you; she has been with</p> <p>20 me since a long time.</p> <p>21 Q. Do you know how to spell her</p> <p>22 last name even if you can't pronounce it.</p> <p>23 A. I can't, I will make a phone</p> <p>24 call when you give me a break.</p> <p>25 MS. TROY: Understood. We</p>

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1 Ishaque Thanwalla
 2 will leave a blank space in
 3 the record for the last name
 4 for you to fill in
 5 subsequently. Thank you for
 6 being helpful.
 7
 8 (insert)
 9 THE WITNESS: You're
 10 always welcome.
 11 Q. Does she also work for Hillside
 12 Auto Mall currently?
 13 A. No.
 14 Q. How do you know?
 15 A. How do I know? Because she was
 16 working for me full-time.
 17 Q. Are you telling me that Deana
 18 Jennings did not work for you full-time
 19 before?
 20 A. Not full-time.
 21 Q. What was her schedule?
 22 A. I can't recall.
 23 Q. Why did she leave work?
 24 A. I answered that question prior,
 25 I can't recall.

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1 Ishaque Thanwalla
 2 of my driver's license. That is my privacy
 3 and I don't like to give it out while the
 4 plaintiff is present on the iPhone.
 5 MR. KATAEV: I'm going to
 6 object to this ongoing
 7 embarrassment and for the
 8 latest items, under Rule 50.
 9 Q. Do you have it?
 10 A. Do I have what?
 11 Q. Do you have your social security
 12 number?
 13 I just need the last four and we can
 14 agree that is not going to be -- that it's
 15 going to be marked it's not going to be
 16 prejudicial and it's going to be marked as
 17 confidential.
 18 THE WITNESS: I don't
 19 remember it right now.
 20 MS. TROY: Fine, just
 21 please fill it out
 22 subsequently, and we agree
 23 again, we will be marking
 24 this as personal and
 25 confidential in the

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1 Ishaque Thanwalla
 2 MR. KATAEV: Objection.
 3 Asked and answered.
 4 MR. KATAEV: Can we take a
 5 quick break so that I can
 6 stop coughing so much? We
 7 can take that break whenever
 8 you want.
 9 MS. TROY: We can take
 10 that five-minute break right
 11 now and come back at 10:51,
 12 if that sounds good to you.
 13 MR. KATAEV: 10:50 is
 14 fine.
 15 (A recess was taken from
 16 10:47 a.m. until 10:51 a.m.)
 17 Q. Mr. Thanwalla, when is your
 18 birthday?
 19 A. My birthday is [REDACTED].
 20 Q. What are the last four digits of
 21 your social security number?
 22 A. Why do you need my social
 23 security?
 24 Q. For identification purposes.
 25 A. You have -- you will get a copy

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1 Ishaque Thanwalla
 2 transcript.
 3
 4 (insert)
 5 Q. Back on the record now, Mr.
 6 Thanwalla, did the pay structure that you
 7 mentioned earlier ever change for Leticia
 8 Stidhum?
 9 A. I answered that question, it's
 10 bonuses and things that we give. So, it's a
 11 yes, it changes not just for Leticia, for
 12 everyone. It's based on the daily bonuses,
 13 the weekly bonuses and the monthly bonuses.
 14 I have answered your question more than
 15 once.
 16 MR. KATAEV: Objection.
 17 Asked and answered.
 18 Q. How about the \$300 weekly plus
 19 the \$150 flat commission, did that ever
 20 change?
 21 A. Not to my knowledge.
 22 Q. Were all of your car salesmen
 23 paid \$300 base weekly pay or did some get
 24 more or less than that amount?
 25 MR. KATAEV: Objection

<p style="text-align: right;">Page 46</p> <p>1 Ishaque Thanwalla</p> <p>2 irrelevant. You can answer.</p> <p>3 A. Everybody is different, most of</p> <p>4 them got paid \$300.</p> <p>5 Q. Did anyone, during Leticia's</p> <p>6 employment, get paid \$350 a week?</p> <p>7 A. I can't remember, possible based</p> <p>8 on seniority.</p> <p>9 Q. How about \$200 per week?</p> <p>10 A. I can't answer that question, I</p> <p>11 don't think so, but ---</p> <p>12 Q. How about \$500 per week?</p> <p>13 A. You are repeating the question</p> <p>14 again and again. I said "no," numerous</p> <p>15 times. How many times do I have to say "no?"</p> <p>16 Q. By "no" do you mean that you did</p> <p>17 not pay anyone \$500 base weekly salary?</p> <p>18 MR. KATAEV: Objection as</p> <p>19 asked and answered.</p> <p>20 MS. TROY: I am on the</p> <p>21 last question in that line,</p> <p>22 please answer to the best of</p> <p>23 your ability.</p> <p>24 A. I can't recall.</p> <p>25 Q. How about \$600 per week in base</p>	<p style="text-align: right;">Page 47</p> <p>1 Ishaque Thanwalla</p> <p>2 weekly salary; did anyone during Leticia's</p> <p>3 employment get paid that amount?</p> <p>4 A. I think the managers did.</p> <p>5 Q. The managers got paid that base</p> <p>6 weekly salary plus a commission; is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 MR. KATAEV: Objection as</p> <p>10 to relevance. You can answer.</p> <p>11 Q. You also mentioned the weekly</p> <p>12 schedule, did the weekly schedule ever</p> <p>13 change for Leticia between the start of her</p> <p>14 employment until the end of her employment?</p> <p>15 A. I answered that question</p> <p>16 previously, every week or every two weeks</p> <p>17 the schedule changed for everyone.</p> <p>18 MR. KATAEV: Objection as</p> <p>19 to asked and answered.</p> <p>20 Q. What were the store hours for</p> <p>21 Hillside Outlet and the timeframe is 2018</p> <p>22 and 2019?</p> <p>23 MR. KATAEV: Objection.</p> <p>24 Asked and answered. You can</p> <p>25 answer.</p>
<p style="text-align: right;">Page 48</p> <p>1 Ishaque Thanwalla</p> <p>2 A. I have answered that question</p> <p>3 previously to you that the winter hours,</p> <p>4 about the winter hours and the summer hours.</p> <p>5 MS. TROY: You can answer</p> <p>6 it again.</p> <p>7 A. It is 10:00 to 7:00 in the</p> <p>8 winter and the summertime mostly it is 10:00</p> <p>9 to 8:00.</p> <p>10 Q. If a customer came in before the</p> <p>11 store closed, would the car salespeople have</p> <p>12 to serve the customer even if it's around</p> <p>13 the store closing time?</p> <p>14 A. It's mostly the finance manager</p> <p>15 would have to serve. The salesmen did not -</p> <p>16 - they did their jobs and they could leave</p> <p>17 it to the finance manager, he stays because</p> <p>18 they are managers and they have to finish</p> <p>19 the job.</p> <p>20 Q. Were there ever times when</p> <p>21 Hillside Auto Outlet salespeople had to stay</p> <p>22 after the store closing time?</p> <p>23 A. Not have to stay, but they</p> <p>24 stayed on their time. It was goodwill if</p> <p>25 they wanted to, it's their choice to stay</p>	<p style="text-align: right;">Page 49</p> <p>1 Ishaque Thanwalla</p> <p>2 because it's their deal. If they want to</p> <p>3 stay, they're welcome to stay, if they</p> <p>4 weren't staying, they didn't have to stay.</p> <p>5 We made sure that they got compensated.</p> <p>6 Q. Typically, how long would they</p> <p>7 stay after if there was a customer that came</p> <p>8 in before the closing time?</p> <p>9 A. What do you mean by "before the</p> <p>10 closing time?" Right at closing time or</p> <p>11 hours before closing time or two hours? It</p> <p>12 all depends on the deal, how long it takes</p> <p>13 for the bank to reply back and give us an</p> <p>14 answer. You can stay between 30 to 70</p> <p>15 minutes to reply back and sometimes it may</p> <p>16 take longer than that. It all depends, and</p> <p>17 that's my answer for that question. It's my</p> <p>18 answer because it is industry -- it's the</p> <p>19 auto industry and it works differently than</p> <p>20 most of the other industries.</p> <p>21 We cannot answer when the bank is going</p> <p>22 to reply back and give us approval on the</p> <p>23 documents. All the documents on there are</p> <p>24 there and there is a lot of puzzles that</p> <p>25 need to be put together before we can say</p>

<p style="text-align: right;">Page 50</p> <p>1 Ishaque Thanwalla</p> <p>2 that they're going to stay longer or the</p> <p>3 customer is going to come back tomorrow.</p> <p>4 Does that answer your question?</p> <p>5 Q. Why don't you walk me through</p> <p>6 the different pieces of the puzzle that need</p> <p>7 to be put together?</p> <p>8 MR. KATAEV: Objection to</p> <p>9 the form. You can answer.</p> <p>10 A. The puzzle, to put it together,</p> <p>11 the customer walks in and the salesman</p> <p>12 approaches them and greets them, correct?</p> <p>13 Show them a car, then they take a credit</p> <p>14 application. Once they take the credit</p> <p>15 application, we will ask to have some</p> <p>16 documentation, and we run the credit before</p> <p>17 we have any documentation, meaning pay</p> <p>18 stubs, bank statements, and utility bills.</p> <p>19 It all depends, so we run the credit based</p> <p>20 on that. We will ask the salesman to get --</p> <p>21 to collect all the documentation and they</p> <p>22 try to get that, and it could take between</p> <p>23 30 and 40 minutes.</p> <p>24 From there, we put the deal into</p> <p>25 finance, and once the papers are all</p>	<p style="text-align: right;">Page 51</p> <p>1 Ishaque Thanwalla</p> <p>2 together, sometimes we don't have the</p> <p>3 paperwork together and we try to do it so</p> <p>4 that we can upload the documentation.</p> <p>5 Later, when the salesman is trying to get</p> <p>6 that, they get the price, and then 40 or 50</p> <p>7 minutes later, whatever time it takes.</p> <p>8 So, once you get approval, we search the</p> <p>9 numbers and give the numbers to the</p> <p>10 customer, the sales price, the car payments,</p> <p>11 if they want to buy any accessories. Once</p> <p>12 that is all done, the finance manager will</p> <p>13 get the approval, the finance manager will</p> <p>14 sign the contract and the guy would deliver</p> <p>15 the car.</p> <p>16 Q. If the customer came in right</p> <p>17 before the closing time, would sometimes</p> <p>18 Hillside Auto Outlet car salespeople have to</p> <p>19 stay until 9:00, 10:00 or 11 o'clock to</p> <p>20 finish the deal?</p> <p>21 MR. KATAEV: Objection.</p> <p>22 Asked and answered. You can</p> <p>23 answer that again.</p> <p>24 A. You have asked me that question</p> <p>25 already. When you say "have to stay," I</p>
<p style="text-align: right;">Page 52</p> <p>1 Ishaque Thanwalla</p> <p>2 answered that question. No, I said no.</p> <p>3 Based on the salesperson, if they want to</p> <p>4 stay on their own goodwill. Are you going</p> <p>5 to be repeating the same question a second</p> <p>6 time?</p> <p>7 MR. KATAEV: Please answer</p> <p>8 the question.</p> <p>9 MS. TROY: Please just</p> <p>10 answer my questions, and</p> <p>11 again, I appreciate your</p> <p>12 various comments. But, this</p> <p>13 is not your deposition. So,</p> <p>14 please stop giving me</p> <p>15 directions and just answer my</p> <p>16 questions so that we can get</p> <p>17 this done as soon as</p> <p>18 possible.</p> <p>19 MR. KATAEV: How long?</p> <p>20 MS. TROY: Let's go off</p> <p>21 the record.</p> <p>22 (A discussion was held off</p> <p>23 the record)</p> <p>24 Q. Were there times when Leticia</p> <p>25 Stidhum stayed until 9:00 or 10 o'clock or</p>	<p style="text-align: right;">Page 53</p> <p>1 Ishaque Thanwalla</p> <p>2 11 o'clock on her "own goodwill" as you put</p> <p>3 it?</p> <p>4 A. Would not even know, my store</p> <p>5 was open 9:00 or 10:00 or 11:00, we may have</p> <p>6 stayed to 8:00, or maybe 9 o'clock.</p> <p>7 Q. How about during the summertime,</p> <p>8 were there times when Leticia had to stay</p> <p>9 until 9:00 or 10:00 or 11:00 p.m.?</p> <p>10 A. I answered that question for the</p> <p>11 summertime. I said 8 o'clock up to 9</p> <p>12 o'clock. I did not say 7 to 8 o'clock.</p> <p>13 Q. How would you describe Leticia</p> <p>14 as a car saleswoman at Hillside Auto Outlet?</p> <p>15 MR. KATAEV: Objection.</p> <p>16 Vague, but you can answer.</p> <p>17 A. I hired her, I trained her. She</p> <p>18 was a very good salesperson.</p> <p>19 Q. Do you recall of the 70 to 75</p> <p>20 cars that Hillside Auto Outlet sold overall</p> <p>21 for the months, how many cars would Leticia</p> <p>22 sell when she was employed?</p> <p>23 A. I answered that, but I would say</p> <p>24 between 20 and 25, sometimes 15. It</p> <p>25 depended on her month and her ability.</p>

<p style="text-align: right;">Page 54</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. How about for the months of</p> <p>3 September through February, obviously she</p> <p>4 did not work there until February during the</p> <p>5 less busy months, as you called it, how many</p> <p>6 of the 40 to 50 cars that would be sold by</p> <p>7 Hillside Auto Outlet overall would be sold</p> <p>8 by Leticia?</p> <p>9 A. I answered that question.</p> <p>10 Between 15 and 25.</p> <p>11 Q. Are you familiar with the</p> <p>12 software called DealerTrak?</p> <p>13 A. (No response)</p> <p>14 MR. KATAEV: If you can</p> <p>15 answer the question.</p> <p>16 A. Yes.</p> <p>17 Q. How are you familiar with it?</p> <p>18 A. It's a dealer deal management</p> <p>19 system.</p> <p>20 Q. At Hillside Auto Outlet between</p> <p>21 2018 and 2019, who had the username of the</p> <p>22 DealerTrak system?</p> <p>23 A. To the best of my knowledge, it</p> <p>24 was me, it was Jeanique J-E-A-N-I-Q-U-E. I</p> <p>25 believe that was -- also, Serge, and I would</p>	<p style="text-align: right;">Page 55</p> <p>1 Ishaque Thanwalla</p> <p>2 say Louis.</p> <p>3 Q. Who is Jeanique?</p> <p>4 A. Jeanique was my manager.</p> <p>5 Q. From what date to what date?</p> <p>6 A. I can't recall. I don't know</p> <p>7 exactly.</p> <p>8 Q. Who is Serge?</p> <p>9 A. Finance manager.</p> <p>10 Q. Again, from what date to what</p> <p>11 date?</p> <p>12 A. He's still working and I don't</p> <p>13 know when he started.</p> <p>14 Q. Who is Louis?</p> <p>15 A. Finance manager.</p> <p>16 Q. Between 2018 and 2019, did</p> <p>17 anyone else have a username in the</p> <p>18 DealerTrak system?</p> <p>19 A. Maybe we can run the DealerTrak</p> <p>20 and find out.</p> <p>21 Q. Do you know an individual by the</p> <p>22 name of Andris Guzman?</p> <p>23 A. Yes.</p> <p>24 Q. Who is he?</p> <p>25 A. Manager.</p>
<p style="text-align: right;">Page 56</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. When did he start working for</p> <p>3 Hillside Auto Outlet?</p> <p>4 A. I can't recall the date that he</p> <p>5 started, neither can I recall the date that</p> <p>6 he finished.</p> <p>7 Q. Do you recall the year?</p> <p>8 A. 2018/2019/maybe 2020. I don't</p> <p>9 know when he left.</p> <p>10 Q. When you say 2018/2019 or 2020,</p> <p>11 do you mean the year he started or finished</p> <p>12 or both?</p> <p>13 A. I said 2018/2019 or 2020. I</p> <p>14 don't know when he left, started in 2018.</p> <p>15 Q. When he started in 2018, was he</p> <p>16 the manager?</p> <p>17 A. He was my assistant.</p> <p>18 Q. When did he become the manager?</p> <p>19 A. He was my assistant manager,</p> <p>20 that's what I meant.</p> <p>21 Q. Did his position ever change</p> <p>22 from the time when he began in 2018 as the</p> <p>23 assistant manager?</p> <p>24 A. Not that I can recall.</p> <p>25 Q. Earlier you mentioned that you</p>	<p style="text-align: right;">Page 57</p> <p>1 Ishaque Thanwalla</p> <p>2 do not recall when Jeanique left Hillside</p> <p>3 Auto Outlet; do you recall what year?</p> <p>4 A. It was 2018, if I'm not wrong.</p> <p>5 Q. Do you recall what month?</p> <p>6 A. No.</p> <p>7 Q. Was there a point when Andris</p> <p>8 Guzman was employed as assistant manager to</p> <p>9 Jeanique's position?</p> <p>10 A. Not that I can recall, Jeanique</p> <p>11 was assistant too because I have to have two</p> <p>12 managers because of the hourly schedule.</p> <p>13 So, one had to cover the time in the</p> <p>14 afternoon, and it was me who put out the</p> <p>15 hours from the morning until late, again.</p> <p>16 I'm going to -- I go in as early as possible</p> <p>17 and I come out mostly the last person.</p> <p>18 Q. Is it fair to say that Andris</p> <p>19 Guzman took Jeanique's position after she</p> <p>20 left Hillside Auto Outlet?</p> <p>21 A. No. He had the same rank as</p> <p>22 Jeanique. How can he take her place? They</p> <p>23 were both my assistants.</p> <p>24 Q. Before Jeanique left Hillside</p> <p>25 Auto Outlet, were car salesmen promised</p>

<p style="text-align: right;">Page 58</p> <p>1 Ishaque Thanwalla</p> <p>2 commissions on top of the amount that you</p> <p>3 just mentioned, the 300 weekly plus the \$150</p> <p>4 flat rate.</p> <p>5 A. When you say "on top of," let me</p> <p>6 just answer your question. I have answered</p> <p>7 that question, that nobody was promised, and</p> <p>8 every day there is a different bonus up to 5</p> <p>9 percent on a car. That can change daily, on</p> <p>10 a daily basis on a car on a weekly or a</p> <p>11 monthly basis. So, yes there were bonuses</p> <p>12 that we put out and nobody was promised</p> <p>13 anything but \$150.</p> <p>14 MR. KATAEV: Objection to</p> <p>15 the form of that.</p> <p>16 Q. Do you agree that 5 percent of</p> <p>17 the \$3,000 is 150?</p> <p>18 A. Do I agree mathematically? I</p> <p>19 agree, but I don't know why you are asking</p> <p>20 this question, who you are asking this</p> <p>21 question to.</p> <p>22 Q. Between 2018 and when Leticia</p> <p>23 began working at Hillside Auto Outlet until</p> <p>24 in or around July or August of 2018, was</p> <p>25 there in fact an incentive structure in</p>	<p style="text-align: right;">Page 59</p> <p>1 Ishaque Thanwalla</p> <p>2 place whereby the car salesman were promised</p> <p>3 a 5 percent for the sales made in excess of</p> <p>4 \$3,000?</p> <p>5 A. When you go back to your</p> <p>6 question, please stop saying "promise,"</p> <p>7 because I have not promised anything. I</p> <p>8 have answered that question numerous times.</p> <p>9 So, it is a little bit annoying, forgive me</p> <p>10 to say that, but you say "promise, promise,"</p> <p>11 there is no promise. I answered that</p> <p>12 question maybe 7 times prior to that we have</p> <p>13 a bonus structure in place.</p> <p>14 You understand that or are you going to</p> <p>15 go back and ask me the same question again</p> <p>16 and again? "Promise, promise," I never</p> <p>17 promised any of my employees. We do a bonus</p> <p>18 program that we do every day and sometimes</p> <p>19 we don't have it, sometimes we do. Yes,</p> <p>20 there is no promise, but there is a bonus</p> <p>21 structure depending on the day and the month</p> <p>22 and the week. Did that completely answer</p> <p>23 your question?</p> <p>24 Q. In fact, did the bonus structure</p> <p>25 stay the same in or around July or August --</p>
<p style="text-align: right;">Page 60</p> <p>1 Ishaque Thanwalla</p> <p>2 A. It still stays the same.</p> <p>3 Q. Did Hillside Auto Outlet in fact</p> <p>4 pay a 5 percent bonus for sales done in</p> <p>5 excess of \$3,000 between 2018 and in or</p> <p>6 around July or August of 2018?</p> <p>7 A. Let me answer your question.</p> <p>8 You are asking me if they were paid beyond</p> <p>9 above 5 percent over \$3,000?</p> <p>10 Let me answer that question as to no,</p> <p>11 based on the bonus, sometimes we did and</p> <p>12 sometimes we did not. Does that answer your</p> <p>13 question?</p> <p>14 Q. By that, let's go a step</p> <p>15 further: between 2018 and July or August of</p> <p>16 2019, did Hillside Auto Outlet in fact pay 5</p> <p>17 percent that we were just mentioning?</p> <p>18 A. The answer is no, 5 percent was</p> <p>19 the bonus subject to the car, subject to the</p> <p>20 day, subject to the week, and it changed.</p> <p>21 There was sometimes there was not until</p> <p>22 today's date the same plan or structure.</p> <p>23 Q. Is it fair to say that when</p> <p>24 Jeanique left, the 5 percent was no longer</p> <p>25 paid to the car salespeople at Hillside Auto</p>	<p style="text-align: right;">Page 61</p> <p>1 Ishaque Thanwalla</p> <p>2 Outlet?</p> <p>3 A. Jeanique had nothing to do with</p> <p>4 taking the 5 percent. It was my bonus and I</p> <p>5 used to give it based again on the day and</p> <p>6 the car and the week and the month. It all</p> <p>7 depended, so Jeanique had no power to give</p> <p>8 anybody anything, nor could she promise</p> <p>9 anything. No, it was me who did, who ran</p> <p>10 the dealership if that answers your question</p> <p>11 again.</p> <p>12 Q. What was David Baron's position</p> <p>13 at Hillside Auto Outlet?</p> <p>14 A. I answered that question</p> <p>15 previously, he was a percentage owner.</p> <p>16 Q. What were his job</p> <p>17 responsibilities at Hillside Auto Outlet.</p> <p>18 MR. KATAEV: Objection to</p> <p>19 the form. You can answer.</p> <p>20 A. He had no responsibilities.</p> <p>21 Q. How about Jory Baron, what were</p> <p>22 his responsibilities as a percentage owner?</p> <p>23 MR. KATAEV: Objection to</p> <p>24 the form. You can answer.</p> <p>25 A. No responsibilities.</p>

<p style="text-align: right;">Page 62</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. How about Josh Aaronson?</p> <p>3 A. No responsibilities.</p> <p>4 Q. We were talking about the</p> <p>5 DealerTrak system; did you at any time</p> <p>6 provide your username and password to</p> <p>7 Leticia Stidhum?</p> <p>8 A. No, and I never will to any</p> <p>9 employee.</p> <p>10 Q. Did you write a username and</p> <p>11 password on a Post-It note and pass it on to</p> <p>12 Leticia?</p> <p>13 MR. KATAEV: Objection</p> <p>14 Asked and answered, but you</p> <p>15 can answer.</p> <p>16 A. No.</p> <p>17 Q. Have you ever personally trained</p> <p>18 Leticia on the DealerTrak system?</p> <p>19 A. No.</p> <p>20 Q. Did Andris Guzman have an</p> <p>21 account in the DealerTrak system?</p> <p>22 A. Yes.</p> <p>23 Q. When Andris Guzman had left</p> <p>24 Hillside Auto Outlet, was there a time when</p> <p>25 you told Leticia Stidhum that as the top</p>	<p style="text-align: right;">Page 63</p> <p>1 Ishaque Thanwalla</p> <p>2 saleswoman, you would prefer her to run the</p> <p>3 DealerTrak system with her customers first?</p> <p>4 A. No.</p> <p>5 Q. Does Hillside Auto Outlet have</p> <p>6 any written policies regarding</p> <p>7 discrimination?</p> <p>8 A. Whatever policy we have, we take</p> <p>9 a policy from corporate, and from the EDD we</p> <p>10 have it posted for the people, equal</p> <p>11 opportunity employment posters, the EDD</p> <p>12 employment. So, we do have posters posted</p> <p>13 in the lunchroom where we eat lunch.</p> <p>14 Q. By "corporate," what do you</p> <p>15 mean?</p> <p>16 A. Meaning that we have posters for</p> <p>17 the employment for them to read and know</p> <p>18 what their rights are.</p> <p>19 Q. You said you had written</p> <p>20 policies from corporate?</p> <p>21 A. Yes. That is what corporate</p> <p>22 gives us, and things, they were payroll</p> <p>23 company is what I meant, actually. Payroll</p> <p>24 company provides ADP for us with all the</p> <p>25 posters and everything. Any updates come</p>
<p style="text-align: right;">Page 64</p> <p>1 Ishaque Thanwalla</p> <p>2 in, we get it.</p> <p>3 Q. Have you ever traveled outside</p> <p>4 the country in December of 2018?</p> <p>5 A. Yes.</p> <p>6 Q. Where did you travel to?</p> <p>7 A. Back home, Pakistan.</p> <p>8 Q. When did you travel outside of</p> <p>9 the United States?</p> <p>10 A. In 2018; is that your question?</p> <p>11 Q. Correct.</p> <p>12 A. It's between, if I can recall, I</p> <p>13 usually leave on the 20th or the 21st or the</p> <p>14 22nd of December, and I usually come back</p> <p>15 between the 5th or the 7th. That is my</p> <p>16 usual trip every year except last year.</p> <p>17 Q. Earlier you mentioned that the</p> <p>18 posters would be posted in the lunchroom.</p> <p>19 Can you describe where that was?</p> <p>20 A. Posted, I have described to you</p> <p>21 the posters are posted in the lunchroom.</p> <p>22 What don't you understand?</p> <p>23 Q. Where is the lunchroom within</p> <p>24 Hillside Auto Outlet?</p> <p>25 A. There is a lunchroom right next</p>	<p style="text-align: right;">Page 65</p> <p>1 Ishaque Thanwalla</p> <p>2 to the finance office, my office and the</p> <p>3 hallway right outside there was a lunchroom.</p> <p>4 They can sit down, there are tables and</p> <p>5 stools and they can sit and eat their lunch</p> <p>6 and the microwave.</p> <p>7 Q. Specifically in 2018, when did</p> <p>8 you travel to Pakistan?</p> <p>9 A. I gave you an approximate which</p> <p>10 I mentioned to you earlier. I gave you an</p> <p>11 answer that it was about the 20th, the 21st,</p> <p>12 and probably back by the 6th or 7th, the</p> <p>13 5th, 6th or 7th. I am usually back then and</p> <p>14 I can't recall the exact date. But I can</p> <p>15 look into it and I can answer that question</p> <p>16 specifically.</p> <p>17 MR. KATAEV: Can we take a</p> <p>18 five-minute break whenever</p> <p>19 you like?</p> <p>20 MS. TROY: We just took a</p> <p>21 break. If you don't mind, I'm</p> <p>22 going to go for a little bit</p> <p>23 and then we will take that</p> <p>24 break if it's not a problem.</p> <p>25 MR. KATAEV: Okay.</p>

<p style="text-align: right;">Page 66</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Did you speak with anyone in</p> <p>3 preparation for today's deposition?</p> <p>4 A. Do you mean about the case?</p> <p>5 Emmanuel, my attorney.</p> <p>6 Q. Besides your attorney, did you</p> <p>7 speak with anyone else?</p> <p>8 A. No.</p> <p>9 MS. TROY: I'm going to</p> <p>10 ask the reporter to leave a</p> <p>11 blank space in the transcript</p> <p>12 for the date when Mr.</p> <p>13 Thanwalla traveled outside of</p> <p>14 the United States as well as</p> <p>15 a blank for the date when he</p> <p>16 returned to the United</p> <p>17 States.</p> <p>18 (insert)</p> <p>19 (insert)</p> <p>20 Q. Mr. Thanwalla, you traveled to</p> <p>21 Pakistan; was that with a passport?</p> <p>22 A. How else could I travel?</p> <p>23 Q. In the weeks prior to your</p>	<p style="text-align: right;">Page 67</p> <p>1 Ishaque Thanwalla</p> <p>2 traveling, were you out of Hillside Auto</p> <p>3 Outlet?</p> <p>4 A. Can you repeat your question one</p> <p>5 more time, please? I didn't hear it right.</p> <p>6 Q. Sure. I'm asking you if the</p> <p>7 week before you traveled physically outside</p> <p>8 of the United States, if you worked outside</p> <p>9 of Hillside Auto Outlet, where you are not</p> <p>10 working at Hillside Auto Outlet during the</p> <p>11 week before.</p> <p>12 A. I worked until the last day</p> <p>13 before I leave. So, the answer to that is</p> <p>14 no, I was working until the last day before</p> <p>15 I left.</p> <p>16 Q. Until the last day before you</p> <p>17 left, were you there from the start of the</p> <p>18 day until the end of the day, every day, in</p> <p>19 Hillside Auto Outlet?</p> <p>20 A. Before I left, was that the</p> <p>21 question?</p> <p>22 Q. Right, before you left.</p> <p>23 A. Let's say if I left on a</p> <p>24 Saturday, correct? Yes, I would be working</p> <p>25 Friday from the morning until evening, to</p>
<p style="text-align: right;">Page 68</p> <p>1 Ishaque Thanwalla</p> <p>2 give you a complete understanding. So, if I</p> <p>3 was supposed to be leaving around on a</p> <p>4 Saturday, yes, I would work Wednesday,</p> <p>5 Thursday, Friday, and through the morning of</p> <p>6 the day until Friday until Saturday, not for</p> <p>7 the afternoon. So, I would not come to work</p> <p>8 on that day. Does that answer your</p> <p>9 question?</p> <p>10 Q. Was it your practice to</p> <p>11 interview every single employee for Hillside</p> <p>12 Auto Outlet?</p> <p>13 A. In my what?</p> <p>14 Q. In your practice.</p> <p>15 A. I do try my best to interview</p> <p>16 everyone because I am the one who is hiring</p> <p>17 and I am the only one who is firing.</p> <p>18 Q. I'm going to show you a document</p> <p>19 on the screen.</p> <p>20 MS. TROY: Ms. Court</p> <p>21 reporter, can you mark this</p> <p>22 as Plaintiff's Exhibit 2?</p> <p>23 (Plaintiff's Exhibit 2 marked</p> <p>24 for identification)</p> <p>25 The entire document will just be</p>	<p style="text-align: right;">Page 69</p> <p>1 Ishaque Thanwalla</p> <p>2 marked as Plaintiff's Exhibit 2 and I</p> <p>3 will be referring to different pages</p> <p>4 when I speak to Mr. Thanwalla.</p> <p>5 Q. Mr. Thanwalla, do you see a</p> <p>6 document that was Defendant's Document</p> <p>7 Production, D1186. On it, it says the hire</p> <p>8 date was May 22nd of 2018, and the</p> <p>9 termination date was January 14th, 2019.</p> <p>10 Does this refresh your recollection as to</p> <p>11 when Leticia started?</p> <p>12 A. If the document says it, I am</p> <p>13 looking at it most likely, yes.</p> <p>14 Q. How about the end date?</p> <p>15 A. The end date may be a little --</p> <p>16 it says again, to the best of my</p> <p>17 recollection, it looks like Leticia quit her</p> <p>18 job, left to the other company.</p> <p>19 Q. Just to clarify, the document</p> <p>20 says January 14th, of 2019. You are saying -</p> <p>21 -</p> <p>22 A. Best of my ability. I said I</p> <p>23 can't recall, I still can't recall. She</p> <p>24 came to my office and she said she's going</p> <p>25 to go with Ali to the other dealership and</p>

<p style="text-align: right;">Page 70</p> <p>1 Ishaque Thanwalla</p> <p>2 that was in the afternoon time when she</p> <p>3 left.</p> <p>4 MS. TROY: We can now take</p> <p>5 a short break for five</p> <p>6 minutes and come back at</p> <p>7 11:35. It is now 11:30 per</p> <p>8 Manuel's request.</p> <p>9 (A recess was taken from</p> <p>10 11:30 a.m. until 11:35 a.m.)</p> <p>11 THE WITNESS: Welcome</p> <p>12 back.</p> <p>13 MS. TROY: No need to</p> <p>14 welcome me back. When we are</p> <p>15 doing the deposition, if you</p> <p>16 don't mind, please don't talk</p> <p>17 to me. The Troy's are</p> <p>18 straightshooters and we don't</p> <p>19 do that to anyone, we don't</p> <p>20 welcome back anyone, we just</p> <p>21 do our jobs.</p> <p>22 Q. Are you familiar with an</p> <p>23 employee for Hillside Auto Outlet whose name</p> <p>24 is Lilly?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 71</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. How are you familiar with her?</p> <p>3 A. She was my DMV clerk.</p> <p>4 Q. Do you remember from what date</p> <p>5 to what date she worked for Hillside Auto</p> <p>6 Outlet?</p> <p>7 A. I cannot.</p> <p>8 Q. Do you recall from what year she</p> <p>9 began working at Hillside Auto Outlet?</p> <p>10 A. Can you repeat the question one</p> <p>11 more time?</p> <p>12 Q. Sure. Do you recall what year</p> <p>13 she began working at Hillside Auto Outlet?</p> <p>14 A. I believe it's 2018, if I'm not</p> <p>15 wrong, but I may be wrong.</p> <p>16 Q. At the time when Lilly left</p> <p>17 Hillside Auto Outlet, was she pregnant?</p> <p>18 A. Was she pregnant when she worked</p> <p>19 for me? She was pregnant when she left, she</p> <p>20 was pregnant.</p> <p>21 Q. Did she quit or did she get</p> <p>22 fired from Hillside Auto Outlet?</p> <p>23 A. Well, let me answer this</p> <p>24 question in a way where everybody can</p> <p>25 understand what happened. When she left,</p>
<p style="text-align: right;">Page 72</p> <p>1 Ishaque Thanwalla</p> <p>2 she was doing the DMV paperwork, and the DMV</p> <p>3 is a crucial business. We have to register</p> <p>4 the car within 5 days and it was a couple of</p> <p>5 deals that were not registered. I</p> <p>6 disciplined her to say "why aren't these</p> <p>7 registered? There was no registration that</p> <p>8 was performed. What is the reason behind</p> <p>9 it?" She didn't like me disciplining her</p> <p>10 because I don't want to lose my license to</p> <p>11 do business. So, she didn't like my</p> <p>12 disciplining her and she left.</p> <p>13 Q. When she left, did she say</p> <p>14 anything to you at the dealership?</p> <p>15 A. Not really, not that I can</p> <p>16 recall.</p> <p>17 Q. Did Lilly leave upset?</p> <p>18 A. I cannot answer that question</p> <p>19 because I don't--- I can't recall. You</p> <p>20 can't have anyone jeopardizing your license</p> <p>21 in your industry. I won't have anybody</p> <p>22 jeopardizing my license. So, if I</p> <p>23 discipline someone to tell them how to</p> <p>24 perform their job the right way, how to</p> <p>25 finish the job, it's nothing wrong with</p>	<p style="text-align: right;">Page 73</p> <p>1 Ishaque Thanwalla</p> <p>2 that. I will tell them that they needed to</p> <p>3 finish this for us to have our license in</p> <p>4 place. If they're not going to do that,</p> <p>5 it's not fair to me.</p> <p>6 Q. Did Lilly complain that she was</p> <p>7 getting fired because she was pregnant?</p> <p>8 A. Never.</p> <p>9 Q. Do you know how many months'</p> <p>10 pregnant she was when she left?</p> <p>11 A. When she started, when I</p> <p>12 answered the question, she was pregnant.</p> <p>13 When she left, she was pregnant and I can't</p> <p>14 answer that question.</p> <p>15 MR. KATAEV: Objection as</p> <p>16 to relevance and to this</p> <p>17 entire line of questioning.</p> <p>18 She is not a plaintiff in</p> <p>19 this case.</p> <p>20 Q. What is Lilly's last name?</p> <p>21 A. I can't recall because you can</p> <p>22 see I can't remember Jeanique's last name</p> <p>23 and I can't remember a lot of people's last</p> <p>24 name. I don't even remember Leticia's last</p> <p>25 name.</p>

<p style="text-align: right;">Page 74</p> <p>1 Ishaque Thanwalla</p> <p>2 MS. TROY: I'm going to</p> <p>3 leave a blank in the</p> <p>4 transcript for you to fill</p> <p>5 that in.</p> <p>6</p> <p>7 (insert).</p> <p>8 A. --</p> <p>9 MR. KATAEV: There is no</p> <p>10 question pending.</p> <p>11 Q. At the time of her termination,</p> <p>12 what was Lilly's schedule?</p> <p>13 MR. KATAEV: Objection as</p> <p>14 to relevance. You can answer.</p> <p>15 A. She was a part-timer, she worked</p> <p>16 part-time for the DMV work.</p> <p>17 Q. At the time that she was fired,</p> <p>18 how many months had she worked for Hillside</p> <p>19 Auto Outlet?</p> <p>20 MR. KATAEV: Objection,</p> <p>21 same objection.</p> <p>22 A. She was not fired, she quit on</p> <p>23 her own.</p> <p>24 Q. At that time, how many months</p> <p>25 had she worked for Hillside Auto Outlet?</p>	<p style="text-align: right;">Page 75</p> <p>1 Ishaque Thanwalla</p> <p>2 A. I can't answer that question, I</p> <p>3 cannot recall. When she started, like I</p> <p>4 said, she was pregnant and she left, she was</p> <p>5 pregnant.</p> <p>6 Q. You mentioned disciplining her;</p> <p>7 are there any records?</p> <p>8 A. There should be a record, like I</p> <p>9 said, we had a robbery.</p> <p>10 Q. Your contention is that the</p> <p>11 records were stolen?</p> <p>12 A. I am not -- I cannot answer that</p> <p>13 question.</p> <p>14 Q. You cannot answer the question</p> <p>15 because you don't know?</p> <p>16 A. I don't know. Thank you.</p> <p>17 Q. Just to be clear, we are talking</p> <p>18 about one robbery or multiple robberies?</p> <p>19 A. One robbery.</p> <p>20 Q. During that robbery, were any</p> <p>21 electronics stolen?</p> <p>22 A. I think so, but I'm not sure.</p> <p>23 Q. In addition to the electronics,</p> <p>24 were a few hundred dollars also stolen?</p> <p>25 A. I think so, but I'm not sure. A</p>
<p style="text-align: right;">Page 76</p> <p>1 Ishaque Thanwalla</p> <p>2 lot of paperwork was gone and scattered.</p> <p>3 Q. At the time of the robbery or</p> <p>4 soon thereafter, did you and Leticia</p> <p>5 together review the surveillance?</p> <p>6 A. Yes.</p> <p>7 Q. Did Leticia identify the robber</p> <p>8 as someone who worked for you?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall if the</p> <p>11 surveillance video showed the robber taking</p> <p>12 any documents?</p> <p>13 A. Robbers taking -- the robber,</p> <p>14 the way I can describe it is when he was</p> <p>15 inside, he did not get the caption that's</p> <p>16 what he said when he was going out.</p> <p>17 Q. Do you still have surveillance</p> <p>18 video?</p> <p>19 A. I think so, but I'm not sure.</p> <p>20 Maybe, maybe, but I can't answer that</p> <p>21 question. I don't know if our surveillance</p> <p>22 goes that far back. I think you only keep</p> <p>23 the records for 30 days,</p> <p>24 Q. At the time when you and Leticia</p> <p>25 were reviewing the surveillance video, did</p>	<p style="text-align: right;">Page 77</p> <p>1 Ishaque Thanwalla</p> <p>2 you send a copy of that video to your</p> <p>3 attorney?</p> <p>4 A. I think that she sent it to me,</p> <p>5 probably.</p> <p>6 Q. What phone were you using at the</p> <p>7 time; was it an iPhone, an Android, what was</p> <p>8 it?</p> <p>9 A. A different phone than this</p> <p>10 iPhone, yes.</p> <p>11 Q. You mentioned different phones,</p> <p>12 how many times have you changed your phone</p> <p>13 since the robbery?</p> <p>14 A. One or two times, if I can</p> <p>15 recall.</p> <p>16 Q. Each time did you change to</p> <p>17 another iPhone?</p> <p>18 A. Yes.</p> <p>19 Q. Did you back up your data using</p> <p>20 the iCloud?</p> <p>21 A. I have no idea how to do that.</p> <p>22 Q. Did someone back it up for you?</p> <p>23 A. I can't answer that question</p> <p>24 because I don't know.</p> <p>25 Q. Do you still have any text</p>

<p style="text-align: right;">Page 78</p> <p>1 Ishaque Thanwalla</p> <p>2 messages that you had with Leticia?</p> <p>3 A. Yes.</p> <p>4 Q. Just to be clear, the text</p> <p>5 messages that you have with her, was that on</p> <p>6 a regular text message or was it on another</p> <p>7 app?</p> <p>8 A. There were multiple apps, one</p> <p>9 was the regular text message and one was</p> <p>10 WhatsApp.</p> <p>11 Q. You texted with her on both the</p> <p>12 regular text message, as well as the</p> <p>13 WhatsApp?</p> <p>14 A. Yes. When I am back home in</p> <p>15 Pakistan, when I left, like I said the 20th</p> <p>16 or the 21st of 2018 and I came back on</p> <p>17 January 5th and 7th, she frequently texted</p> <p>18 me on WhatsApp, I had communications with</p> <p>19 her, as well as other employees on the</p> <p>20 WhatsApp channel.</p> <p>21 Q. You don't have those text</p> <p>22 messages?</p> <p>23 A. Yes, I do.</p> <p>24 Q. In addition to the regular text</p> <p>25 messages and WhatsApp, do you have any other</p>	<p style="text-align: right;">Page 79</p> <p>1 Ishaque Thanwalla</p> <p>2 records of your communications with Leticia</p> <p>3 Stidhum?</p> <p>4 A. May be available on my email. I</p> <p>5 can't recall. 100 percent.</p> <p>6 MS. TROY: Demand number 1</p> <p>7 is for the text messages</p> <p>8 between Ishaque Thanwalla and</p> <p>9 Stidhum.</p> <p>10 Demand number 2 is for the</p> <p>11 WhatsApp messages between</p> <p>12 Thanwalla and Leticia.</p> <p>13 Demand number 3 is for</p> <p>14 the email exchanges between</p> <p>15 Ishaque Thanwalla and</p> <p>16 Stidhum. The timeframe is</p> <p>17 between September of 2018 --</p> <p>18 actually, let's backtrack.</p> <p>19 It's from November of 2018</p> <p>20 through January of 2019.</p> <p>21 Q. Mr. Thanwalla, what was your</p> <p>22 phone number at the time?</p> <p>23 A. Same number as today. It is 661-</p> <p>24 886-8012.</p> <p>25 Q. Who is your service provider?</p>
<p style="text-align: right;">Page 80</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Verizon.</p> <p>3 Q. What'sApp, did you sign up using</p> <p>4 your phone number?</p> <p>5 A. Correct.</p> <p>6 Q. The emails that you mentioned,</p> <p>7 is that your work email or is that some</p> <p>8 other email address?</p> <p>9 A. My work email. To be clear, I</p> <p>10 do have a Hillside Auto Outlet computer, and</p> <p>11 it's I-S-H-A-Q-U-E@hillsideautooutlet.com.</p> <p>12 Q. Please if you don't mind, just</p> <p>13 confirming that that is the correct email</p> <p>14 address?</p> <p>15 (The witness complies)</p> <p>16 MR. KATAEV: Let the</p> <p>17 record reflect that</p> <p>18 plaintiff's counsel typed in</p> <p>19 I-S-H-A-Q-</p> <p>20 E@hillsideoutlet.com on the</p> <p>21 chat.</p> <p>22 THE WITNESS: Yes.</p> <p>23 Q. Besides using your work email,</p> <p>24 did you communicate with Leticia using any</p> <p>25 other email?</p>	<p style="text-align: right;">Page 81</p> <p>1 Ishaque Thanwalla</p> <p>2 A. No.</p> <p>3 Q. In the video that we were</p> <p>4 talking about earlier, was that sent to you</p> <p>5 from Leticia using text message, WhatsApp or</p> <p>6 email?</p> <p>7 A. I can't answer that, I don't</p> <p>8 recall that. That's why I can't answer that</p> <p>9 question.</p> <p>10 MS. TROY: Demand number 4</p> <p>11 for the surveillance footage.</p> <p>12 Demand number 5 is for the</p> <p>13 police report, both of which</p> <p>14 concerns the robbery that</p> <p>15 took place at Hillside Auto</p> <p>16 Outlet. The witness does not</p> <p>17 recall the timeframe, but the</p> <p>18 year should be in the year of</p> <p>19 2018.</p> <p>20 MR. KATAEV: Please</p> <p>21 follow-up in writing with all</p> <p>22 of your requests. Thank you.</p> <p>23 Q. Before the break I showed you a</p> <p>24 WhatsApp and the start date and the end date</p> <p>25 of Leticia Stidhum. What was Leticia</p>

<p style="text-align: right;">Page 82</p> <p>1 Ishaque Thanwalla</p> <p>2 Stidhum's position at Hillside Auto Outlet?</p> <p>3 A. Her position was commission</p> <p>4 salesperson.</p> <p>5 Q. As the commission salesperson,</p> <p>6 what were her responsibilities?</p> <p>7 A. I answered that question prior,</p> <p>8 but I will answer it again for you. To show</p> <p>9 customers the car, meet and greet, show them</p> <p>10 the car and take a credit application and</p> <p>11 take documentation. That was her</p> <p>12 responsibility.</p> <p>13 Q. Did she ever run the credit</p> <p>14 herself?</p> <p>15 A. No.</p> <p>16 Q. Earlier you mentioned that you</p> <p>17 trained her, what did you train her in?</p> <p>18 A. How to sell cars; how to meet</p> <p>19 and greet; how to show them a car; how to</p> <p>20 take a credit application; how to use a V-I-</p> <p>21 N Solution.</p> <p>22 Q. Can you describe for me what you</p> <p>23 mean by how to take credit?</p> <p>24 A. How to take a credit</p> <p>25 application, you take the application</p>	<p style="text-align: right;">Page 83</p> <p>1 Ishaque Thanwalla</p> <p>2 whether it's manual or you are welcome to</p> <p>3 take an application on the Vin V-I-N</p> <p>4 solutions that they did that sometimes.</p> <p>5 Sometimes they do not, but if you take a</p> <p>6 manual application, you use the block</p> <p>7 letters so that you could read it and it's</p> <p>8 legible.</p> <p>9 So, you have first name, last name,</p> <p>10 driver's license of customer to make sure</p> <p>11 you are correctly doing it the right way,</p> <p>12 date of birth, social security and their</p> <p>13 employment information, their resident</p> <p>14 information. You take a simple credit</p> <p>15 application and make sure that they sign the</p> <p>16 credit application.</p> <p>17 Q. Was Leticia ever given</p> <p>18 additional responsibilities apart from her</p> <p>19 position as a commission salesperson?</p> <p>20 A. No.</p> <p>21 Q. Did you, at any point during</p> <p>22 Leticia's employment with Hillside Auto</p> <p>23 Outlet, did you ever talk to her about</p> <p>24 promoting her to a sales manager position?</p> <p>25 A. Never.</p>
<p style="text-align: right;">Page 84</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Did you promise her any</p> <p>3 promotion?</p> <p>4 A. Never.</p> <p>5 Q. Did you ever tell her that you</p> <p>6 were traveling to Pakistan, so the</p> <p>7 discussion about the promotion will wait</p> <p>8 until you came back to the United States?</p> <p>9 A. I never discussed with her any</p> <p>10 promotions. What I can recall in her</p> <p>11 deposition, she mentioned that I promised</p> <p>12 her a promotion. She had no right, maybe it</p> <p>13 was at Ali, maybe he was playing with her</p> <p>14 head. No right to promotion, so that he</p> <p>15 could recruit her if he had another job,</p> <p>16 which he did. You can see on the WhatsApp</p> <p>17 she was going with Ali after the job, but I</p> <p>18 never did. He was playing with her mind.</p> <p>19 Q. Did Leticia ever complain to you</p> <p>20 about her pay?</p> <p>21 A. Never. She mentioned that she</p> <p>22 always made more money than she ever made in</p> <p>23 her life, so she was very happy. You can</p> <p>24 see the text messages and you would see the</p> <p>25 WhatsApp messages.</p>	<p style="text-align: right;">Page 85</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. How would you describe your</p> <p>3 relationship with Leticia during her</p> <p>4 employment at Hillside Auto Outlet?</p> <p>5 A. I treated every employee like my</p> <p>6 family. Like she mentioned, the dad of</p> <p>7 Hillside Auto Outlet. I was the dad of</p> <p>8 Hillside Auto Outlet, she respected me and I</p> <p>9 respected her.</p> <p>10 Q. Would it be fair to say that</p> <p>11 your relationship was quite close?</p> <p>12 A. I have close relationships with</p> <p>13 all my employees. I am a very caring person</p> <p>14 and I respect and I love. That's the only</p> <p>15 way that I treat my employees.</p> <p>16 Q. Earlier you mentioned that Ali</p> <p>17 was promising her a promotion. What do you</p> <p>18 mean, can you describe exactly what you were</p> <p>19 talking about?</p> <p>20 A. When Emanuel (indicating) was</p> <p>21 taking the deposition from Leticia, she is</p> <p>22 the one who answered that Ali promised her</p> <p>23 the promotion, not me. I never did, she</p> <p>24 wasn't there to be promoted. She needed a</p> <p>25 lot more experience to be promoted as a</p>

<p style="text-align: right;">Page 86</p> <p>1 Ishaque Thanwalla</p> <p>2 sales manager, assistant sales manager to</p> <p>3 me. Although, she was a good salesperson</p> <p>4 and that's the best I can tell you.</p> <p>5 Q. What is the difference between</p> <p>6 an assistant manager and a sales manager, or</p> <p>7 was that the same position?</p> <p>8 A. It was the same position. It is</p> <p>9 the same to me, my sales manager, because</p> <p>10 the general manager to me, they are my</p> <p>11 assistants. One thing I learned, I kept my</p> <p>12 office right next to my manager so that I</p> <p>13 could hear what was going on.</p> <p>14 Q. To be clear, did you also</p> <p>15 consider the finance manager as an assistant</p> <p>16 manager?</p> <p>17 A. Finance manager is my assistant</p> <p>18 manager. But, they are recognized as the</p> <p>19 "finance manager" because they are the ones</p> <p>20 who are dealing with the banks.</p> <p>21 Q. When you talked earlier that you</p> <p>22 had two assistant managers, did you mean two</p> <p>23 sales managers or one sales manager and one</p> <p>24 finance manager?</p> <p>25 A. Let me just answer that question</p>	<p style="text-align: right;">Page 87</p> <p>1 Ishaque Thanwalla</p> <p>2 the right way. That's so you do not re-</p> <p>3 question me again. I had Jeanique as my</p> <p>4 assistant manager, and I had Guzman as my</p> <p>5 assistant manager, I had Serge as my finance</p> <p>6 manager, and I have Louis as my finance</p> <p>7 manager. Do you understand clearly?</p> <p>8 Q. Do you not consider the finance</p> <p>9 manager as the assistant manager?</p> <p>10 A. They are assistants, it's --</p> <p>11 they are different divisions, but they are</p> <p>12 still assistants to me.</p> <p>13 Q. Is it fair to say that Leticia</p> <p>14 has left Hillside Auto Outlet, she left in</p> <p>15 November of 2018, December of 2018, in that</p> <p>16 timeframe?</p> <p>17 A. I can't recall so I cannot</p> <p>18 answer that question.</p> <p>19 Q. You were saying that Ali</p> <p>20 promised her the promotion. Was that</p> <p>21 promotion at Hillside Auto Outlet?</p> <p>22 A. You asked me, and it was in her</p> <p>23 deposition that she said it. I am only</p> <p>24 repeating what she answered the question</p> <p>25 that Emanuel asked her that question. I am</p>
<p style="text-align: right;">Page 88</p> <p>1 Ishaque Thanwalla</p> <p>2 just going and referring to that. I am not</p> <p>3 referring to anything else. Do you</p> <p>4 understand?</p> <p>5 Q. So, you don't have any personal</p> <p>6 knowledge about any promotions whatsoever;</p> <p>7 is that correct?</p> <p>8 A. The last time that Emanuel was</p> <p>9 taking the deposition from her.</p> <p>10 Q. Have you ever been arrested for</p> <p>11 any reason before?</p> <p>12 A. Yes.</p> <p>13 Q. What were you convicted of</p> <p>14 before?</p> <p>15 A. I was mixed up and it was</p> <p>16 cleared and it was expunged. It was over 15</p> <p>17 years ago.</p> <p>18 Q. You mentioned it was over 15</p> <p>19 years ago, was that the same as the</p> <p>20 immigration case or different?</p> <p>21 A. I can't recall honestly, I</p> <p>22 cannot recall.</p> <p>23 Q. Do you have any other names</p> <p>24 besides Ishaque?</p> <p>25 A. I use Isaac or Abraham, Isaac I-</p>	<p style="text-align: right;">Page 89</p> <p>1 Ishaque Thanwalla</p> <p>2 S-A-A-C or Ivraham I-V-R-A-H-A-M. I use</p> <p>3 Abraham A-B-R-A-H-A-M on my business cards</p> <p>4 just to clarify.</p> <p>5 Q. Is Abraham the last name or is</p> <p>6 that part of the first name?</p> <p>7 A. I used Abraham, that was my</p> <p>8 father's first name. I don't have a middle</p> <p>9 initial except it's just Thanwalla.</p> <p>10 Q. Please take a look at the screen</p> <p>11 again and we're going to look at the sales</p> <p>12 log.</p> <p>13 THE WITNESS: This is --</p> <p>14 MR. KATAEV: There is no</p> <p>15 question pending.</p> <p>16 Q. Mr. Thanwalla, on the screen</p> <p>17 here we are still on Plaintiff's Exhibit 2.</p> <p>18 Do you see documents identified as D002 to</p> <p>19 D067; is that the sales log, if you</p> <p>20 recognize this document?</p> <p>21 A. Yes.</p> <p>22 Q. Were you the one who created</p> <p>23 this report?</p> <p>24 A. This was created -- this report,</p> <p>25 yes.</p>

<p style="text-align: right;">Page 90</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. To your knowledge, let's start</p> <p>3 from page 1, to your knowledge, are the</p> <p>4 number of cars sold on the sold log</p> <p>5 accurate?</p> <p>6 A. Not to the best of my ability,</p> <p>7 no.</p> <p>8 Q. To your knowledge, does this</p> <p>9 understate the number of cars sold by the</p> <p>10 company?</p> <p>11 MR. KATAEV: Objection to</p> <p>12 the form. You can answer.</p> <p>13 A. Sometimes they are correct and</p> <p>14 sometimes they are not correct, because that</p> <p>15 is called an "manual entry." So, if my</p> <p>16 assistant has manually entered it or my</p> <p>17 salesperson like Leticia had entered it as</p> <p>18 sold, she had permission in her own name.</p> <p>19 I just want to add to my answer because the</p> <p>20 only person that is salesperson is only</p> <p>21 allowed to see her or his records only.</p> <p>22 They cannot see anybody else's. If they put</p> <p>23 it in the -- if the customer came in, they</p> <p>24 could say that "the customer came in and is</p> <p>25 present on the lot. The customer sold -</p> <p style="text-align: center;">-"</p>	<p style="text-align: right;">Page 91</p> <p>1 Ishaque Thanwalla</p> <p>2 they can push the button inside and say</p> <p>3 "sold." It's a salesperson can do that as</p> <p>4 well as my assistant managers can do that,</p> <p>5 which is my sales managers.</p> <p>6 Q. I'm going to show you a</p> <p>7 different month for the sold log. It is on</p> <p>8 the screen. My question for you remains the</p> <p>9 same which is: whether or not the sold log</p> <p>10 understates for each of the months that I</p> <p>11 show you the true number of cars sold.</p> <p>12 We're going to start from May of 2018</p> <p>13 and we are still on page 2 of the exhibit</p> <p>14 which also corresponds to defendant's</p> <p>15 production 32. This is from May of 2018.</p> <p>16 The car sold are listed as 46.</p> <p>17 A. My answer is the same exact, and</p> <p>18 I can't answer that. It looks like 100</p> <p>19 percent understated, that means 4 or 6 may</p> <p>20 be understated or maybe it's incorrect.</p> <p>21 Maybe it was sold, I can't answer based on</p> <p>22 these records.</p> <p>23 Q. I am now showing you page 10 for</p> <p>24 June of 2018; is your answer the same?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 92</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. For the record, we are on page</p> <p>3 10, which corresponds to defendant's</p> <p>4 document production 10.</p> <p>5 Now we are on page 19 which corresponds</p> <p>6 to defendant's document production number</p> <p>7 19. Same question for you, this shows the</p> <p>8 sold log for the month of July of 2018. Same</p> <p>9 question.</p> <p>10 A. I would say so, yes. Whatever I</p> <p>11 answered previously, this is the exact</p> <p>12 number. It could be more or less, it all</p> <p>13 depends. These were on this log and the</p> <p>14 salesman can do it as well as the assistant</p> <p>15 manager can do it. That's why they are not</p> <p>16 100 percent.</p> <p>17 Q. Now we are on page 28 of exhibit</p> <p>18 2 which corresponds to defendant's</p> <p>19 production 28. My question for you is the</p> <p>20 same, and it's for the month of August of</p> <p>21 2018.</p> <p>22 A. My answer is the same.</p> <p>23 Q. We are on page 37 which</p> <p>24 corresponds to defendant's document</p> <p>25 production 37. It is for the month of</p>	<p style="text-align: right;">Page 93</p> <p>1 Ishaque Thanwalla</p> <p>2 September of 2018, is your answer the same?</p> <p>3 A. Yes.</p> <p>4 Q. Page 45 now, which corresponds</p> <p>5 to defendant's document production 45. Is</p> <p>6 your answer that it covers the month of</p> <p>7 October of 2018, is your answer the same?</p> <p>8 A. Yes.</p> <p>9 Q. Page 52, which corresponds to</p> <p>10 defendant's document production 52 and</p> <p>11 covers the month of November of 2018; is</p> <p>12 your answer the same answer?</p> <p>13 A. Yes.</p> <p>14 Q. We are on now page 62 which</p> <p>15 covers the month of December of 2018. It</p> <p>16 also corresponds with defendant's document</p> <p>17 production 62; is your answer the same?</p> <p>18 A. Yes.</p> <p>19 Q. Next, I'm going to show you</p> <p>20 starting from page 1251 which is a list of</p> <p>21 comparatorS. C-O-M-P-A-R-A-T-O-R-S.</p> <p>22 We are on page 1251 which corresponds</p> <p>23 with defendant's document production 1251.</p> <p>24 My question to you is, can you describe for</p> <p>25 me what the department code means?</p>

<p style="text-align: right;">Page 94</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Department codes are the</p> <p>3 department codes.</p> <p>4 Q. I'm asking about right here, the</p> <p>5 "department codes."</p> <p>6 A. Okay.</p> <p>7 Q. For the record, I am just</p> <p>8 highlighting the L-O-C/D-E-P-T.</p> <p>9 A. That is the department code, the</p> <p>10 company code. The company code may be</p> <p>11 provided by an ADP company, local</p> <p>12 department.</p> <p>13 Q. Do you know who this individual</p> <p>14 is that is identified as individual 21?</p> <p>15 A. I don't know. I don't</p> <p>16 understand your question. Please repeat it.</p> <p>17 Q. Do you know this individual that</p> <p>18 was paid \$2,500 per week, do you know who</p> <p>19 that is?</p> <p>20 A. Who is paid LOC department, I</p> <p>21 can't answer that because I can't recall who</p> <p>22 it was.</p> <p>23 Q. Is it fair to say that no car</p> <p>24 salesperson was paid \$2,500 a week?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 95</p> <p>1 Ishaque Thanwalla</p> <p>2 MS. TROY: Can you read</p> <p>3 back the last question and</p> <p>4 answer?</p> <p>5 (The reporter read back the</p> <p>6 last question and answer)</p> <p>7 A. The question is no, yes. The</p> <p>8 question is fair.</p> <p>9 Q. We are now on page 1252 which</p> <p>10 corresponds with defendant's document</p> <p>11 production 1252. I am going forward with</p> <p>12 the page numbers and they correspond with</p> <p>13 defendant's document production numbers.</p> <p>14 So this individual has a department code of</p> <p>15 7. Do you know what that means?</p> <p>16 A. No.</p> <p>17 Q. This person was paid \$650 on a</p> <p>18 weekly basis, correct?</p> <p>19 A. I can't answer that question.</p> <p>20 It could be anybody else and I can't answer</p> <p>21 that. I don't know the codes, and that is</p> <p>22 what is paid, the payroll is paid to whom.</p> <p>23 Q. Is it fair to say that this</p> <p>24 individual is not a car salesperson?</p> <p>25 A. I can't answer that question</p>
<p style="text-align: right;">Page 96</p> <p>1 Ishaque Thanwalla</p> <p>2 because I don't know.</p> <p>3 Q. For the record, there is an</p> <p>4 individual number 22 on page 1254. I will</p> <p>5 note for the record that the "loc department</p> <p>6 is 200," for the L-O-C/department, and there</p> <p>7 is no individual that is regularly receiving</p> <p>8 \$350. Do you know if this person is a car</p> <p>9 salesperson?</p> <p>10 A. I can't answer that question, I</p> <p>11 don't know.</p> <p>12 Q. Besides car salespeople, were</p> <p>13 there any other individuals --</p> <p>14 A. Yes.</p> <p>15 MS. TROY: I did not</p> <p>16 finish my question.</p> <p>17 MR. KATAEV: Please let</p> <p>18 Ms. Troy finish her question</p> <p>19 before you answer.</p> <p>20 Q. (Continuing) ---within the</p> <p>21 Hillside Auto Outlet who were paid</p> <p>22 commissions?</p> <p>23 A. Like I said, anybody else was</p> <p>24 paid commissions besides the salesperson, is</p> <p>25 that your question?</p>	<p style="text-align: right;">Page 97</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Correct.</p> <p>3 A. I don't understand your</p> <p>4 question.</p> <p>5 Q. Were there any other positions</p> <p>6 or individuals who were paid commission in</p> <p>7 addition to the car salespeople?</p> <p>8 A. The finance manager, which is my</p> <p>9 assistant, the sales manager, which is my</p> <p>10 assistant, yes.</p> <p>11 Q. Anyone else?</p> <p>12 A. Not that I know, not to my</p> <p>13 knowledge.</p> <p>14 Q. Were the porters paid any</p> <p>15 commission?</p> <p>16 A. They got bonuses, but not --</p> <p>17 Q. How about the BDC employees did</p> <p>18 they receive a commission?</p> <p>19 A. This is the Business Development</p> <p>20 Center, is that's what you're referring to?</p> <p>21 Q. Yes, did they receive a</p> <p>22 commission?</p> <p>23 A. BDC, the Business Development</p> <p>24 Center, if that's what you are referring to?</p> <p>25 Q. Right. Did they receive a</p>

<p style="text-align: right;">Page 98</p> <p>1 Ishaque Thanwalla</p> <p>2 commission?</p> <p>3 A. Yes.</p> <p>4 Q. Did anyone else, did the</p> <p>5 finance and sales managers and members of</p> <p>6 the BDC receive a commission?</p> <p>7 A. I cannot answer that because I</p> <p>8 don't remember everything, that is why.</p> <p>9 Q. Were the BDC employees' base pay</p> <p>10 similar to that of the salespeople meaning</p> <p>11 300, around \$300 base pay weekly salary plus</p> <p>12 the commission or something else?</p> <p>13 A. I understand that every</p> <p>14 department has a manager, every department</p> <p>15 has salespeople and they were all</p> <p>16 commissioned salespersons. One was a</p> <p>17 salesperson, one was a telephone</p> <p>18 salesperson. The BDC, they answered the</p> <p>19 phone and they worked the BDC phone, the</p> <p>20 salespeople. They brought the people in and</p> <p>21 they got paid accordingly too.</p> <p>22 Q. Are they also paid a \$300 weekly</p> <p>23 salary plus a flat commission, the 150 per</p> <p>24 car, or was that arrangement different in</p> <p>25 that department?</p>	<p style="text-align: right;">Page 99</p> <p>1 Ishaque Thanwalla</p> <p>2 A. To my knowledge, the arrangement</p> <p>3 was different, to the best of my ability and</p> <p>4 the best of my knowledge.</p> <p>5 Q. So, the individual identified as</p> <p>6 2, he was paid \$350 flat weekly for the</p> <p>7 regular pay. What position did this</p> <p>8 individual have?</p> <p>9 A. I can't answer that because I</p> <p>10 don't know. It could be sales or it could</p> <p>11 be the BDC or finance, I can't answer that</p> <p>12 question.</p> <p>13 Q. We are now on page 1255 and the</p> <p>14 individual is identified as number 23. The</p> <p>15 department as listed as 100. Is it fair to</p> <p>16 say that this individual does not work in</p> <p>17 sales?</p> <p>18 A. I cannot answer that question.</p> <p>19 How would I know? How would I know by</p> <p>20 looking at the pay stub?</p> <p>21 Q. Who directed the production of</p> <p>22 these earning statements?</p> <p>23 A. What do you mean by that</p> <p>24 exactly? Please elaborate on the question.</p> <p>25 Q. Earlier when I asked you if you</p>
<p style="text-align: right;">Page 100</p> <p>1 Ishaque Thanwalla</p> <p>2 had a role in the preparation of this log</p> <p>3 you mentioned that you directed that this</p> <p>4 log be produced. My question is similar,</p> <p>5 but do you know who directed the production</p> <p>6 of the earning statements?</p> <p>7 A. I'm still confused by the</p> <p>8 question. Let me understand this -- can you</p> <p>9 tell me differently? You were telling me</p> <p>10 who made people's salary when they were</p> <p>11 going to get paid, is that your question?</p> <p>12 Q. Who had the earning statements</p> <p>13 produced, meaning who asked for the earning</p> <p>14 statements to be compiled and produced to us</p> <p>15 and for the Judge?</p> <p>16 Who requested it to be printed and</p> <p>17 provided to the Judge and to us within the</p> <p>18 Hillside Auto Outlet Company?</p> <p>19 A. I did.</p> <p>20 Q. When you asked for the earning</p> <p>21 statements to be produced, did you list them</p> <p>22 by position or did you have the earning</p> <p>23 statements for all employees implemented?</p> <p>24 A. To the best of my ability, I</p> <p>25 think all employees.</p>	<p style="text-align: right;">Page 101</p> <p>1 Ishaque Thanwalla</p> <p>2 MR. KATAEV: I will just</p> <p>3 represent for the record that</p> <p>4 I believe following June 20</p> <p>5 of '21 the initial conference</p> <p>6 before Magistrate Judge Mann,</p> <p>7 these are items were</p> <p>8 requested for settlement</p> <p>9 purposes as this was a</p> <p>10 settlement conference. I can</p> <p>11 represent to you that we</p> <p>12 worked off of the transcript</p> <p>13 in order to prepare the</p> <p>14 production.</p> <p>15 Q. To clarify, Mr. Thanwalla,</p> <p>16 during the conference it was asked for, the</p> <p>17 comparator to Ms. Stidhum, correct?</p> <p>18 To the best of your knowledge, were the</p> <p>19 earnings records of only the sales</p> <p>20 department produced or was it for all the</p> <p>21 employees just so that we can get it clear</p> <p>22 on the record?</p> <p>23 MR. KATAEV: Objection.</p> <p>24 Asked and answered, but you</p> <p>25 can answer the question.</p>

<p style="text-align: right;">Page 102</p> <p>1 Ishaque Thanwalla</p> <p>2 A. If I am not wrong, I think to</p> <p>3 the best of my ability,y it was all the</p> <p>4 employees.</p> <p>5 Q. Looking at individual 23, it is</p> <p>6 listed for \$1,825 and the year to date for</p> <p>7 2018 \$150, is it accurate to say that no</p> <p>8 cars salesperson worked at Hillside Auto</p> <p>9 Outlet and did not receive a commission?</p> <p>10 A. I don't understand your</p> <p>11 question. Please, can you make it a little</p> <p>12 bit more simple for me?</p> <p>13 Q. Sure. Are there any non-</p> <p>14 commission car salespeople at Hillside Auto</p> <p>15 Outlet?</p> <p>16 A. No, there is nobody having to do</p> <p>17 with the sales department -- all of the</p> <p>18 people having to do with the sales</p> <p>19 department have commission.</p> <p>20 Q. Is it accurate to say to the</p> <p>21 extent that the pay stub reflected that this</p> <p>22 individual did not receive any commission,</p> <p>23 that that individual was not a car</p> <p>24 salesperson?</p> <p>25 A. I can't answer that question.</p>	<p style="text-align: right;">Page 103</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Do you know who could?</p> <p>3 A. We have to look into it.</p> <p>4 Q. Who would you ask?</p> <p>5 A. You would ask the controller to</p> <p>6 figure that out and ask them, the accountant</p> <p>7 to look at it.</p> <p>8 Q. Turning your intention to</p> <p>9 individual 7 on page 1256, it says that the</p> <p>10 "Reg" is \$200. Do you know what position</p> <p>11 that person was in?</p> <p>12 A. I don't know.</p> <p>13 Q. How about this individual</p> <p>14 (indicating)</p> <p>15 A. Do not know.</p> <p>16 Q. That was page 1257 individual</p> <p>17 number 24.</p> <p>18 Besides the car salespeople, who else</p> <p>19 was paid 2 paychecks by Hillside Auto Outlet</p> <p>20 on a weekly basis?</p> <p>21 MR. KATAEV: Objection to</p> <p>22 the form. You can answer.</p> <p>23 A. I can't recall. Maybe BDC and</p> <p>24 finance, and the managers possibly.</p> <p>25 Q. In other words, all of the</p>
<p style="text-align: right;">Page 104</p> <p>1 Ishaque Thanwalla</p> <p>2 commission employees received 2 paychecks;</p> <p>3 is that correct?</p> <p>4 A. Correct, and some got paid once</p> <p>5 a month commission.</p> <p>6 Q. Is it fair to say that any</p> <p>7 employees who did not receive two paychecks</p> <p>8 were not car salespeople?</p> <p>9 A. Again, I don't understand your</p> <p>10 question. Can you repeat it one more time?</p> <p>11 MS. TROY: Sure. Ms.</p> <p>12 Reporter, can you read back</p> <p>13 the last question for the</p> <p>14 witness.</p> <p>15 (The reporter read back the</p> <p>16 last question)</p> <p>17 A. I cannot answer that question</p> <p>18 because I don't know. I can't recall,</p> <p>19 actually.</p> <p>20 Q. The same question for the</p> <p>21 individual on page 1258. The REG wage</p> <p>22 straight is set at \$500. Do you know who</p> <p>23 this person is or what this person's</p> <p>24 position is?</p> <p>25 A. I can't recall.</p>	<p style="text-align: right;">Page 105</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Page 1259, individual 13. The</p> <p>3 regular weekly wage rate is \$600; who is</p> <p>4 this individual or what was this</p> <p>5 individual's position?</p> <p>6 A. I can't recall. I don't know</p> <p>7 who.</p> <p>8 Q. Is there any individual for whom</p> <p>9 you can tell what the position is by looking</p> <p>10 at the pay stubs?</p> <p>11 A. No. Everybody has a different</p> <p>12 structure.</p> <p>13 Q. We're going to go through a</p> <p>14 couple of other pages and my question for</p> <p>15 you remains the same: that is, are you able</p> <p>16 to identify the individual based on the pay</p> <p>17 stub, what that individual's name is or</p> <p>18 their position?</p> <p>19 We are on page 1260 for individual 3 and</p> <p>20 the regular rate is listed at \$600.</p> <p>21 A. I can't answer that question</p> <p>22 because I can't recall who that would be.</p> <p>23 Same thing, same pay stub you are showing me</p> <p>24 and I would say the same.</p> <p>25 MS. TROY: For the record,</p>

<p style="text-align: right;">Page 106</p> <p>1 Ishaque Thanwalla</p> <p>2 that was page 1261 individual</p> <p>3 25.</p> <p>4 Q. We are now on page 1262</p> <p>5 individual 17. Do you recognize this</p> <p>6 individual or this person's position?</p> <p>7 A. No.</p> <p>8 Q. Did you say "no" for the last</p> <p>9 question?</p> <p>10 A. I did.</p> <p>11 Q. Now we are on 1263, individual</p> <p>12 number 26. Do you recognize this individual</p> <p>13 or this individual's position based on the</p> <p>14 pay stub?</p> <p>15 A. No.</p> <p>16 Q. Page 1264 individual number 27,</p> <p>17 do you recognize this individual or this</p> <p>18 individual's position based upon the pay</p> <p>19 stub?</p> <p>20 A. No.</p> <p>21 Q. There is an individual 28 on</p> <p>22 page 1265, same question.</p> <p>23 A. No.</p> <p>24 Q. Page 1266 individual number 29,</p> <p>25 same question.</p>	<p style="text-align: right;">Page 107</p> <p>1 Ishaque Thanwalla</p> <p>2 A. No.</p> <p>3 Q. Individual 20 on page 1267, same</p> <p>4 question.</p> <p>5 A. No.</p> <p>6 Q. Individual 30 on page 1268, same</p> <p>7 question.</p> <p>8 A. No.</p> <p>9 MR. KATAEV: Please let me</p> <p>10 know when you are done with</p> <p>11 this line of questioning so</p> <p>12 we can take a break.</p> <p>13 Q. We are now on page 1277 and the</p> <p>14 individual is 31. Do you recognize this</p> <p>15 individual or this person's position based</p> <p>16 upon the pay stub?</p> <p>17 A. No.</p> <p>18 Q. We are on 1296 individual number</p> <p>19 32, do you recognize this individual based</p> <p>20 upon the pay stub? For the record, it</p> <p>21 appears that this individual was hired on</p> <p>22 December 4th of 2018 and then paid \$1,000</p> <p>23 per week with no commission.</p> <p>24 A. No.</p> <p>25 Q. Was anyone paid \$1,000 per week</p>
<p style="text-align: right;">Page 108</p> <p>1 Ishaque Thanwalla</p> <p>2 salary in the month of December of 2018?</p> <p>3 A. Its same, it may be a draw, that</p> <p>4 may be a draw, possibly. It may be a draw</p> <p>5 against commission, maybe, but I can't</p> <p>6 recall. I don't know who it is.</p> <p>7 Q. Did you hire anyone in December</p> <p>8 of 2018?</p> <p>9 A. I hired a lot of people and I</p> <p>10 can't answer who I hired. I cannot say</p> <p>11 anything.</p> <p>12 Q. Who was paid \$1,000 per week</p> <p>13 upon hire with no commission at Hillside</p> <p>14 Auto Outlet?</p> <p>15 MR. KATAEV: Objection as</p> <p>16 to relevance. You can</p> <p>17 answer.</p> <p>18 A. I answered "no. I don't know.</p> <p>19 I cannot recall."</p> <p>20 Q. We are now on page 1320 for</p> <p>21 individual number 34. This individual was a</p> <p>22 newly hired person in December of 2018 and</p> <p>23 this individual was paid a regular weekly</p> <p>24 rate of \$900. Do you know who this</p> <p>25 individual is?</p>	<p style="text-align: right;">Page 109</p> <p>1 Ishaque Thanwalla</p> <p>2 A. By me looking at the pay stubs,</p> <p>3 I can't recall who it is, what it is or what</p> <p>4 department, even though you are showing me</p> <p>5 the loc and department. I don't know the</p> <p>6 local department. So, no.</p> <p>7 Q. We are now on page 3038 for</p> <p>8 individual 18. Do you know who this</p> <p>9 individual is and what that person's</p> <p>10 position is?</p> <p>11 A. No.</p> <p>12 Q. Would you be able to find out?</p> <p>13 A. I have to refer to my office and</p> <p>14 find out, sure.</p> <p>15 Q. Would you be able to tell me</p> <p>16 what that person's position is?</p> <p>17 A. When I look into it, I will be</p> <p>18 able to answer the question.</p> <p>19 MS. TROY: All right.</p> <p>20 Demand number 6 will be for</p> <p>21 the name as well as the</p> <p>22 position for each of the</p> <p>23 individuals who the witness</p> <p>24 identified as numbers 21, 22,</p> <p>25 2, 23, 24, 4, 13, 3, 25, 17,</p>

<p style="text-align: right;">Page 110</p> <p>1 Ishaque Thanwalla</p> <p>2 26, 27, 28, 29, 30, 31,</p> <p>3 32, 33, 34, 18, 19, 35, 36,</p> <p>4 38, 39, and 37.</p> <p>5 I know that they are out of</p> <p>6 order, but that is the order in</p> <p>7 which the documents presented</p> <p>8 themselves. My request is for</p> <p>9 the positions as well as the</p> <p>10 name for each of the individuals</p> <p>11 that are listed here that you</p> <p>12 produced, apparently as</p> <p>13 comparator to the plaintiff.</p> <p>14 MR. KATAEV: Please put</p> <p>15 all of your requests in</p> <p>16 writing. We object to any</p> <p>17 characterization.</p> <p>18 MS. TROY: Manuel, based</p> <p>19 upon your characterization of</p> <p>20 the record -- let's just</p> <p>21 continue.</p> <p>22 Q. Going to page 1269, Mr.</p> <p>23 Thanwalla, do you see on page 69 for the</p> <p>24 period of November 27th of 2018 through</p> <p>25 December 3rd of 2018 there is a commission</p>	<p style="text-align: right;">Page 111</p> <p>1 Ishaque Thanwalla</p> <p>2 listed for \$1,600?</p> <p>3 A. Okay.</p> <p>4 Q. Based on that \$1,600 figure, how</p> <p>5 many cars were sold?</p> <p>6 MR. KATAEV: Objection.</p> <p>7 You can answer the question.</p> <p>8 A. 150 divided by 1600. Do you</p> <p>9 have a calculator?</p> <p>10 Q. The formula is sufficient. Thank</p> <p>11 you.</p> <p>12 To your knowledge, is that always an</p> <p>13 exact number?</p> <p>14 A. Like I said previously, there is</p> <p>15 a flat rate commission and I answered that</p> <p>16 prior. I said there is a bonus, and the</p> <p>17 bonus and commission. So, maybe there is a</p> <p>18 commission, there is a bonus in there, 5</p> <p>19 percent bonus, it may be \$50 bonus or \$200</p> <p>20 bonus. I cannot answer that question</p> <p>21 because the commission plus the weekly</p> <p>22 bonus, a monthly bonus, I have no idea what</p> <p>23 is involved.</p> <p>24 Q. What was the flat rate</p> <p>25 commission, meaning the \$150 per car versus</p>
<p style="text-align: right;">Page 112</p> <p>1 Ishaque Thanwalla</p> <p>2 what the bonus was at Hillside Auto Outlet?</p> <p>3 A. You can take 15, whatever the is</p> <p>4 amount is, let's take 10 cars would be</p> <p>5 \$1,500. Am I right? It would be plus a</p> <p>6 dollar bonus on top of that, and maybe that</p> <p>7 was only 8 cars and the rest was bonus. I</p> <p>8 can't answer that.</p> <p>9 Q. My question is different. My</p> <p>10 question is: were there records kept as to</p> <p>11 what portion of the commission is the flat</p> <p>12 rate commission versus the bonus that you</p> <p>13 were talking about?</p> <p>14 MR. KATAEV: Objection.</p> <p>15 Asked and answered again.</p> <p>16 A. May be a portion, possible, but</p> <p>17 I can't answer that</p> <p>18 Q. When you say that it "may be a</p> <p>19 portion," what did you mean?</p> <p>20 A. It may be possible, I may have a</p> <p>21 record or I may not have a record. That's</p> <p>22 what I'm saying exactly.</p> <p>23 Q. Does Hillside Auto Outlet have</p> <p>24 an obligation to keep all of the sales</p> <p>25 records for a period of time pertaining to</p>	<p style="text-align: right;">Page 113</p> <p>1 Ishaque Thanwalla</p> <p>2 the Government regulations as to each car</p> <p>3 sold?</p> <p>4 MR. KATAEV: Objection.</p> <p>5 It calls for a legal</p> <p>6 conclusion, but you can</p> <p>7 answer.</p> <p>8 MS. TROY: Answer as to</p> <p>9 the facts.</p> <p>10 A. As long as they paid minimum</p> <p>11 wage, yes.</p> <p>12 MR. KATAEV: Objection to</p> <p>13 the form of that last</p> <p>14 question.</p> <p>15 Q. Were there records kept for each</p> <p>16 car sold in terms of the prior that was</p> <p>17 sold, the commission for each car?</p> <p>18 MR. KATAEV: Objection.</p> <p>19 Asked and answered, but you</p> <p>20 can answer it again.</p> <p>21 MS. TROY: He did not</p> <p>22 answer the question, and</p> <p>23 that's why I had to ask it</p> <p>24 again.</p> <p>25 A. I can answer the question, yes.</p>

<p style="text-align: right;">Page 114</p> <p>1 Ishaque Thanwalla</p> <p>2 There is probably a way to look at it.</p> <p>3 Q. In other words there is a way to</p> <p>4 assert the answer to the commission and the</p> <p>5 wages that were given to car salespeople,</p> <p>6 including Leticia Stidhum that would be more</p> <p>7 precise than what we see on the pay stub</p> <p>8 component, is that correct?</p> <p>9 A. Yes. We have to calculate it to</p> <p>10 make sure that at the end of the month to</p> <p>11 finish the month, they paid more than the</p> <p>12 minimum wage, we would have to be in</p> <p>13 compliance.</p> <p>14 Q. Where are those records now?</p> <p>15 A. Probably at the dealership,</p> <p>16 probably missing but I can't answer that due</p> <p>17 to the robbery.</p> <p>18 Q. Those records that we we're</p> <p>19 talking about in terms of the commissions,</p> <p>20 the bonuses and the flat rate, is that kept</p> <p>21 on paper or on the computer?</p> <p>22 A. It was kept on the paper.</p> <p>23 Q. Was it ever scanned onto the</p> <p>24 computer?</p> <p>25 A. Not to my knowledge.</p>	<p style="text-align: right;">Page 115</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Was it kept on the paper from</p> <p>3 2018 to the present day; in other words, was</p> <p>4 there ever a change to the electronic</p> <p>5 system?</p> <p>6 A. No, we have not changed, we have</p> <p>7 not updated to the electronic system.</p> <p>8 Q. Can you describe for me what</p> <p>9 those records look like on the paper; what</p> <p>10 type of information is contained therein?</p> <p>11 A. It would be a salesperson would</p> <p>12 fill out the amounts of the cars that they</p> <p>13 sold, the first name and last name of the</p> <p>14 customer, as well as they would write down</p> <p>15 how much bonus they have achieved, and they</p> <p>16 kept a copy. And we have a copy. That copy</p> <p>17 that would be made, so we verify, we make</p> <p>18 sure that the bonuses were correct, make</p> <p>19 sure that the deals were funded and we make</p> <p>20 sure that everything was to the open "T" the</p> <p>21 right way so that we can take care of the</p> <p>22 employees that we have by looking at the pay</p> <p>23 stubs.</p> <p>24 Q. Was that the same or different</p> <p>25 from the triplicate copy that you were</p>
<p style="text-align: right;">Page 116</p> <p>1 Ishaque Thanwalla</p> <p>2 talking about?</p> <p>3 A. I don't understand the question,</p> <p>4 please.</p> <p>5 Q. You mentioned that the paper</p> <p>6 that you described with the salesperson</p> <p>7 would fill out, the number of cars, the</p> <p>8 customer information and the bonuses</p> <p>9 achieved, et cetera, is that the same or</p> <p>10 different than the documents that were in</p> <p>11 triplicate that you mentioned before?</p> <p>12 MR. KATAEV: I am</p> <p>13 confused. Triplicate? What</p> <p>14 does that mean?</p> <p>15 MS. TROY: Three copies.</p> <p>16 A. You're talking about 1 copy, 2</p> <p>17 copies, one is for them and one was for us.</p> <p>18 Q. Is that filled out on a weekly</p> <p>19 basis or per-car sold?</p> <p>20 A. Weekly basis by the salesperson.</p> <p>21 Q. Who would verify if the</p> <p>22 information is correct?</p> <p>23 A. The office manager.</p> <p>24 Q. Who was the office manager at</p> <p>25 the time?</p>	<p style="text-align: right;">Page 117</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Deana was the controller and we</p> <p>3 called the office manager or maybe Asha. A-</p> <p>4 S-H-A.</p> <p>5 Q. Who is Asha?</p> <p>6 A. Asha is the assistant to Deana.</p> <p>7 Q. Back for a second to the</p> <p>8 controller, the office manager, is that the</p> <p>9 same title?</p> <p>10 A. Correct, basically.</p> <p>11 Q. What was Asha's title?</p> <p>12 A. Asha would give paperwork when</p> <p>13 it was done, give it to Deana so that Deana</p> <p>14 could process it and she verified and Deana</p> <p>15 verified it.</p> <p>16 Q. Is she the assistant office</p> <p>17 manager, was she?</p> <p>18 A. Yes, you could call her</p> <p>19 assistant office manager.</p> <p>20 Q. When you said that the documents</p> <p>21 would be processed, what information would</p> <p>22 be coded in from the paperwork?</p> <p>23 A. What do you mean by "coded in"?</p> <p>24 Q. You said that the documents</p> <p>25 would be processed, what did you mean?</p>

<p style="text-align: right;">Page 118</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Meaning when she goes through to</p> <p>3 make sure, to verify that the commission is</p> <p>4 the same, that is the process. The</p> <p>5 commission is not coded in. I said if you</p> <p>6 write down the name and 150 flat, and then</p> <p>7 there was any bonus on this, the customer on</p> <p>8 this car, you write down the bonus and then</p> <p>9 she verifies it and she processed it.</p> <p>10 Q. When she processed it in order</p> <p>11 for the amount to become an ATM check</p> <p>12 amount, did she key in anything on the</p> <p>13 computer?</p> <p>14 A. I don't know that. I can't</p> <p>15 answer that question.</p> <p>16 MS. TROY: The next demand</p> <p>17 is going to be demand number</p> <p>18 7.</p> <p>19 Before I get to that</p> <p>20 actually, hold on. Mr.</p> <p>21 Thanwall.</p> <p>22 Q. Besides what you just</p> <p>23 described to me, were there any other</p> <p>24 documents kept as to the number of cars</p> <p>25 sold, what the commission is, what</p>	<p style="text-align: right;">Page 119</p> <p>1 Ishaque Thanwalla</p> <p>2 the bonus is, et cetera for the car</p> <p>3 salespeople at Hillside Auto Outlet?</p> <p>4 A. Let me understand this question</p> <p>5 correctly. You are saying did we have any</p> <p>6 bonus structure?</p> <p>7 Q. No.</p> <p>8 A. What is the question? I'm</p> <p>9 confused by your question.</p> <p>10 Q. You mentioned that there was a</p> <p>11 paper that Deana would process. Besides</p> <p>12 that paper that Deana would process, were</p> <p>13 there any other written records of the</p> <p>14 number of cars sold and the bonus or</p> <p>15 commissions earned by the car salespeople at</p> <p>16 Hillside Auto Outlet?</p> <p>17 A. I don't think so.</p> <p>18 MS. TROY: Demand number 7</p> <p>19 is for the written documents</p> <p>20 containing the cars sold, the</p> <p>21 name of the customer, the</p> <p>22 bonus and commissions</p> <p>23 received. It is for the car</p> <p>24 salespeople at Hillside Auto</p> <p>25 Outlet, and the timeframe is</p>
<p style="text-align: right;">Page 120</p> <p>1 Ishaque Thanwalla</p> <p>2 going to be from October of</p> <p>3 2018 through February of</p> <p>4 2019, and that includes,</p> <p>5 obviously, the plaintiff as</p> <p>6 well.</p> <p>7 MR. KATAEV: Please</p> <p>8 follow-up in writing.</p> <p>9 MS. TROY: Just to be</p> <p>10 clear, I believe these</p> <p>11 documents were asked for and</p> <p>12 directed to be produced by</p> <p>13 the Court. To the extent</p> <p>14 that the defendants state</p> <p>15 that they don't have the</p> <p>16 documents or that they are</p> <p>17 looking for them, it's not</p> <p>18 really so, just so that we</p> <p>19 are clear.</p> <p>20 Demand number 8 will be</p> <p>21 for any electronic files or</p> <p>22 inputs by the office manager</p> <p>23 or her assistant regarding</p> <p>24 the same.</p> <p>25 MR. KATAEV: Please</p>	<p style="text-align: right;">Page 121</p> <p>1 Ishaque Thanwalla</p> <p>2 follow-up in writing.</p> <p>3 Currently note whether it has</p> <p>4 been previously required to</p> <p>5 produce.</p> <p>6 MS. TROY: We can now take</p> <p>7 that lunch break. Is 30</p> <p>8 minutes good for everyone?</p> <p>9 MR. KATAEV: 45 minutes</p> <p>10 would be fine.</p> <p>11 MS. TROY: Fine, let's</p> <p>12 come back at 1:25.</p> <p>13 (A recess was taken from</p> <p>14 12:50 p.m. until 1:33 p.m.)</p> <p>15 Q. Mr. Thanwalla, do you have your</p> <p>16 phone with you?</p> <p>17 A. Yes.</p> <p>18 Q. Could you go to your text</p> <p>19 messages that you had with Miss Stidhum?</p> <p>20 A. Can I go to those text messages?</p> <p>21 It's in another office, a different office.</p> <p>22 MR. KATAEV: I will get</p> <p>23 it.</p> <p>24 (Mr. Manuel Kataev left the</p> <p>25 room and handed documents to</p>

<p style="text-align: right;">Page 122</p> <p>1 Ishaque Thanwalla 2 the witness) 3 MS. TROY: Just pull up 4 the text messages that you 5 have with Leticia Stidhum. 6 (The plaintiff Leticia 7 Stidhum stated on the record 8 that she is back on the 9 record) 10 MS. TROY: Please mark 11 this as Plaintiff's Exhibit 12 3. 13 (Plaintiff's Exhibit 3 marked 14 for identification.) 15 Q. Mr. Thanwalla, please read the 16 timestamp on the message. 17 A. The message, it is October 9th, 18 of 2018 and it is 11:03 a.m. It says "Q40 19 customer is coming with a check and his 20 insurance." 21 Q. Was that from Leticia to you? 22 A. Yes. 23 Q. What comes after that? 24 A. I said "okay." 25 Q. Then, what happened after that?</p>	<p style="text-align: right;">Page 123</p> <p>1 Ishaque Thanwalla 2 A. I am not a good reader. 3 MS. TROY: Mr. Kataev do 4 you want to read? 5 MR. KATAEV: We are in the 6 process of producing the text 7 messages to you. We may not 8 be able to produce them 9 during the deposition. If 10 you want to take a break, I 11 will be able to produce it to 12 you so that it is easiest for 13 everyone. 14 MS. TROY: That sounds 15 good to me. How much time do 16 you need? 17 MR. KATAEV: 10 or 15 18 minutes, and we will work as 19 quickly as possible. 20 MS. TROY: Okay, that 21 sounds good. That way we 22 don't have to read it into 23 the record. I agree. 24 It is 1:50, when do you want 25 to come back?</p>
<p style="text-align: right;">Page 124</p> <p>1 Ishaque Thanwalla 2 MR. KATAEV: Let's come 3 back at 1:45. 4 (A discussion held off the 5 record) 6 MS. TROY: The time is now 7 2:00 p.m. and we are back on 8 the record. Actually, it is 9 2:07. 10 Q. The text message that was just 11 sent to me by Emanuel Kataev is a document 12 that I'm going to mark as a PDF file and I'm 13 going to mark that as Plaintiffs 4. 14 MS. TROY: Please mark 15 that as Plaintiffs 4. 16 (Plaintiffs Exhibit 4 marked 17 for identification) 18 Plaintiffs 3 is going to 19 be text messages, plaintiffs 20 3 and then the PDFs that's 21 the WhatsApp, which we marked 22 as Plaintiff's Exhibit 4. 23 Q. We were talking about the text 24 message before our break. It's probably 25 going to be easier if we go in that order.</p>	<p style="text-align: right;">Page 125</p> <p>1 Ishaque Thanwalla 2 Q. I'm going to show you 3 Plaintiff's Exhibit 3 first, which is what 4 counsel just sent to me. Can you describe 5 how you obtained this photograph; did you 6 just use another phone and take a picture of 7 your phone? 8 A. Correct. 9 Q. How about the second page which 10 does not appear to be a text message, what 11 is that? 12 A. This is a text message. If it's 13 WhatsApp, I have no idea. You have two 14 separate files, one is WhatsApp and one is 15 text messages. 16 Q. Looking and drawing your 17 attention to page 2 of the text message 18 file, this -- 19 A. Looking at the text message 20 file, this is all from a single person, this 21 is from Leticia. 22 Q. When you say "Q40 customer is 23 coming with a check and his insurance," were 24 you the one who said "okay?" 25 A. Correct.</p>

<p style="text-align: right;">Page 126</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Do you know where on your phone</p> <p>3 it itemizes who is speaking when there is a</p> <p>4 blue bubble versus the white bubble, what</p> <p>5 that means?</p> <p>6 A. I have no idea.</p> <p>7 Q. The next line says “Kaswayne K-</p> <p>8 A-S-W-A-Y-N-E Bailey is the name,” is that</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Who is that from?</p> <p>12 A. That is from her.</p> <p>13 Q. Then, the next line says “your</p> <p>14 friend is nice.” Is that from you?</p> <p>15 A. Yes.</p> <p>16 Q. Then it says “yeah, yeah,</p> <p>17 everyone is nice when they want a job lol.”</p> <p>18 Who is Leticia referring to?</p> <p>19 A. I have no idea.</p> <p>20 Q. When do you speak next on this</p> <p>21 text message?</p> <p>22 A. I would have to have my phone to</p> <p>23 give that answer to that question.</p> <p>24 MR. KATAEV: We can't do</p> <p>25 that because we are using</p>	<p style="text-align: right;">Page 127</p> <p>1 Ishaque Thanwalla</p> <p>2 this export.</p> <p>3 MS. TROY: It does not</p> <p>4 appear that page 23, 2</p> <p>5 through 23, it does not</p> <p>6 appear to me to be</p> <p>7 screenshots of the iPhone</p> <p>8 text messages. It looks like</p> <p>9 something else, but I'm not</p> <p>10 sure.</p> <p>11 THE WITNESS: If it's a</p> <p>12 screenshot, when you push on</p> <p>13 the side, this goes into a</p> <p>14 PDF.</p> <p>15 Q. I believe it just doesn't have</p> <p>16 who is speaking.</p> <p>17 A. I spoke very little, mostly</p> <p>18 communications are by her and I answered</p> <p>19 very little.</p> <p>20 Q. Then, what your attorney is</p> <p>21 talking about, it doesn't have the date or</p> <p>22 the time, correct?</p> <p>23 A. Right.</p> <p>24 MS. TROY: Emanuel, are</p> <p>25 you working on the text</p>
<p style="text-align: right;">Page 128</p> <p>1 Ishaque Thanwalla</p> <p>2 messages to get the dates?</p> <p>3 MR. KATAEV: That is</p> <p>4 correct.</p> <p>5 MS. TROY: You are also</p> <p>6 working on the WhatsApp too?</p> <p>7 MR. KATAEV: Right now we</p> <p>8 are focusing on WhatsApp.</p> <p>9 MS. TROY: Fine, how about</p> <p>10 we come back to this in a</p> <p>11 little bit. I'm going to ask</p> <p>12 you a couple of questions</p> <p>13 that do not require the text</p> <p>14 messages. When your</p> <p>15 attorney's office is finished</p> <p>16 processing the messages with</p> <p>17 the date stamp and time, we</p> <p>18 will come back to it.</p> <p>19 MR. KATAEV: That is fine.</p> <p>20 Q. Mr. Thanwalla, did you at any</p> <p>21 point in time find out that Ms. Stidhum was</p> <p>22 pregnant?</p> <p>23 A. No.</p> <p>24 Q. Were you aware that she</p> <p>25 announced her pregnancy at Hillside Auto</p>	<p style="text-align: right;">Page 129</p> <p>1 Ishaque Thanwalla</p> <p>2 Outlet?</p> <p>3 A. To my knowledge, she never</p> <p>4 announced it.</p> <p>5 Q. Did she at any time tell you</p> <p>6 personally about her pregnancy?</p> <p>7 A. No.</p> <p>8 Q. Did she bring a sonogram to</p> <p>9 Hillside Auto Outlet?</p> <p>10 A. No.</p> <p>11 Q. Do you recall which day she</p> <p>12 brought the sonogram to Hillside Auto</p> <p>13 Outlet?</p> <p>14 A. I answered my question</p> <p>15 previously, no. She did not bring it, not to</p> <p>16 my knowledge,” ever in front of me.</p> <p>17 Q. Were other Hillside Auto Outlet</p> <p>18 employees aware that Ms. Stidhum was</p> <p>19 pregnant, to your knowledge?</p> <p>20 A. To the best of my knowledge,</p> <p>21 when I learned when I was in Pakistan. Mr.</p> <p>22 Ali on WhatsApp said “your daughter is</p> <p>23 pregnant,” which is on the WhatsApp app.</p> <p>24 That was December 27th, if I recall, because</p> <p>25 I just went there and why I recognized that</p>

<p style="text-align: right;">Page 130</p> <p>1 Ishaque Thanwalla</p> <p>2 date, I said "which one?" Because I call</p> <p>3 every one of them my "daughter." I treated</p> <p>4 them like one.</p> <p>5 My answer to you was I was the last</p> <p>6 person to know, and that was my answer.</p> <p>7 That was December 27th, according to my</p> <p>8 knowledge, and she never announced it.</p> <p>9 Never brought anything to the dealership. I</p> <p>10 don't think anyone was aware, maybe she got</p> <p>11 close to Ali, so she may have told him. She</p> <p>12 may have told him about the pregnancy.</p> <p>13 Q. At that time was Ali at Hillside</p> <p>14 Auto Outlet?</p> <p>15 A. I don't understand your</p> <p>16 question.</p> <p>17 Q. At the time was Ali at Hillside</p> <p>18 Auto Outlet?</p> <p>19 A. "At the time?" What do you mean</p> <p>20 by "at the time"?</p> <p>21 Q. At the time, during December,</p> <p>22 December 27th of 2018, when you supposedly</p> <p>23 received the text messages, on WhatsApp, was</p> <p>24 he --</p> <p>25 A. Yes, he was working as my</p>	<p style="text-align: right;">Page 131</p> <p>1 Ishaque Thanwalla</p> <p>2 assistant.</p> <p>3 MR. KATAEV: Objection to</p> <p>4 the form of that question.</p> <p>5 Q. Due to the fact that you have</p> <p>6 multiple assistants, can you clarify whether</p> <p>7 it was the sales manager, the office manager</p> <p>8 or the finance manager; what is it?</p> <p>9 A. He was a sales manager and</p> <p>10 Guzman as well as Guzman, because I always</p> <p>11 needed two people to cover the hours.</p> <p>12 Q. When was Ali hired as your sales</p> <p>13 manager?</p> <p>14 A. To the best of my knowledge, I</p> <p>15 can recall that it was in December.</p> <p>16 Q. Was he hired in preparation for</p> <p>17 your departure to Pakistan?</p> <p>18 A. No. He was hired because I</p> <p>19 needed help.</p> <p>20 Q. Besides Ali, did anyone else</p> <p>21 communicate whether by text, verbal</p> <p>22 communication or personal telephone to you</p> <p>23 about Leticia's pregnancy?</p> <p>24 A. No.</p> <p>25 Q. To your knowledge, did Leticia</p>
<p style="text-align: right;">Page 132</p> <p>1 Ishaque Thanwalla</p> <p>2 get along well with the other Hillside Auto</p> <p>3 Outlets?</p> <p>4 A. To the best of my ability, yes.</p> <p>5 Q. How about with yourself?</p> <p>6 A. Well, she did very well, yes. I</p> <p>7 treated her like my family.</p> <p>8 Q. In or around the month of</p> <p>9 November of 2018, did you congratulate her</p> <p>10 for selling many cars for the Hillside Auto</p> <p>11 Outlet?</p> <p>12 A. I probably did, because she</p> <p>13 probably did a good job.</p> <p>14 Q. At that time, did you discuss</p> <p>15 potentially promoting her to the sales</p> <p>16 manager position?</p> <p>17 A. Like I answered previously, no.</p> <p>18 And, my answer is still no, and it still</p> <p>19 remains no.</p> <p>20 Q. What was your reaction when you</p> <p>21 found out that Leticia was pregnant?</p> <p>22 A. My reaction was the way that I</p> <p>23 found out, I was in Pakistan when Ali texted</p> <p>24 me -- not texting me, the WhatsApp,</p> <p>25 WhatsApped me. This was the only time I got</p>	<p style="text-align: right;">Page 133</p> <p>1 Ishaque Thanwalla</p> <p>2 that news.</p> <p>3 Q. Do you recall what your response</p> <p>4 to Ali was?</p> <p>5 A. I mentioned my response to you,</p> <p>6 "I was the last one to know."</p> <p>7 MS. TROY: Can we have</p> <p>8 your office please provide</p> <p>9 the WhatsApp between Ali and</p> <p>10 Ishaque Thanwalla?</p> <p>11 MR. KATAEV: No problem.</p> <p>12 MS. TROY: So we don't</p> <p>13 need him to read it into the</p> <p>14 record.</p> <p>15 Q. To be clear Mr. Thanwalla, did</p> <p>16 you communicate with Ali about Leticia on</p> <p>17 What'sApp or also on text message?</p> <p>18 A. I know I never talked to him on</p> <p>19 text message, only on WhatsApp. I wasn't in</p> <p>20 the country, and that's the only way you can</p> <p>21 communicate over the WhatsApp. It's an</p> <p>22 international channel.</p> <p>23 Q. Let's go back for a second to</p> <p>24 Plaintiff's Exhibit 2 that I am sharing on</p> <p>25 the screen with you. Please bear with me</p>

<p style="text-align: right;">Page 134</p> <p>1 Ishaque Thanwalla</p> <p>2 for one moment.</p> <p>3 MS TROY: For the record,</p> <p>4 Plaintiff's Exhibit 2, pages</p> <p>5 75 to 1179 are customer</p> <p>6 dashboard logs that were</p> <p>7 provided to us on the part of</p> <p>8 the defendant's document</p> <p>9 production. We are now on</p> <p>10 page 812 which corresponds to</p> <p>11 defendant's document</p> <p>12 production number 812.</p> <p>13 Q. My question for you, is as</p> <p>14 follows: once you reviewed the document,</p> <p>15 please tell me to slow down if necessary and</p> <p>16 I will scroll through it.</p> <p>17 (Ms. Troy is scrolling down)</p> <p>18 Can you explain to me why this was</p> <p>19 marked as "lost?"</p> <p>20 A. Jacquelyn Cleary was the first</p> <p>21 BD agent, the second rep was Mikiael M-I-K-</p> <p>22 I-A-E-L- and Andris Guzman. If it was</p> <p>23 Capital One source of the lead, when we do a</p> <p>24 Capital One, mailer, it came in, and we</p> <p>25 created, it just came in on 12/29 2018 at</p>	<p style="text-align: right;">Page 135</p> <p>1 Ishaque Thanwalla</p> <p>2 11:28 a.m. There is also a serial number.</p> <p>3 Please scroll down.</p> <p>4 (Ms. Troy complies.)</p> <p>5 A. (Continuing) It says the</p> <p>6 customer name, Ofelia O-F-E-L-I-A Fuentes F-</p> <p>7 U-E-N-T-E-S. Then, the second person took</p> <p>8 on over, another BD agent "changed from</p> <p>9 Heewattie Prashad to Mikiael.</p> <p>10 It always gives you all the information,</p> <p>11 what day the lead came in. Can you scroll</p> <p>12 back up to 1229?</p> <p>13 (Ms. Troy complies)</p> <p>14 A. (Continuing) So, when you see</p> <p>15 the dates, and please scroll back down to</p> <p>16 520 of 2019, there was -- the deal was</p> <p>17 closed because we couldn't get hold of the</p> <p>18 customer. It comes out of the system, and</p> <p>19 after 90 days, that is when it comes out of</p> <p>20 the system.</p> <p>21 Q. Is that the track system?</p> <p>22 A. That is what it says here, I</p> <p>23 think we are both saying the same thing.</p> <p>24 (The reporter speaks to Ms. Troy on the</p> <p>25 record)</p>
<p style="text-align: right;">Page 136</p> <p>1 Ishaque Thanwalla</p> <p>2 MS. TROY: Ms. Luckman has</p> <p>3 a great point which is in</p> <p>4 order for us to have a clear</p> <p>5 record, please just wait</p> <p>6 until I finish asking you the</p> <p>7 question. Then, you can jump</p> <p>8 right in.</p> <p>9 THE WITNESS: I apologize</p> <p>10 if I jumped in.</p> <p>11 MS. TROY: That is</p> <p>12 perfectly fine.</p> <p>13 Q. My question for you is, because</p> <p>14 the lead is marked as "lost," is it possible</p> <p>15 that for instance that this deal in fact</p> <p>16 went through?</p> <p>17 A. I don't understand your</p> <p>18 question.</p> <p>19 Q. Because this lead is</p> <p>20 "automatically marked as lost," after 90</p> <p>21 days, is it possible that this lead went</p> <p>22 through, meaning there was a sale on the</p> <p>23 vehicle?</p> <p>24 A. When I can answer that question,</p> <p>25 is maybe possible because the car was sold,</p>	<p style="text-align: right;">Page 137</p> <p>1 Ishaque Thanwalla</p> <p>2 and Leticia or Mikiael or anybody did not</p> <p>3 manually put "sold." There's a possible</p> <p>4 chance yes, that that can happen.</p> <p>5 Q. Could it possibly be true that</p> <p>6 sometimes lead was lost, but was not entered</p> <p>7 into the system properly?</p> <p>8 A. Yes, it can be possible.</p> <p>9 Q. Is it generally the case that</p> <p>10 customers who did not come through the BDC</p> <p>11 with the amount, that those log-in customers</p> <p>12 are generally speaking, not logged into the</p> <p>13 system?</p> <p>14 A. They were logged into the system</p> <p>15 by the salesperson as well as one of the</p> <p>16 assistant managers.</p> <p>17 Q. Were there cases where they were</p> <p>18 not logged in?</p> <p>19 A. It happens, it's like -- you get</p> <p>20 a salesperson who is not doing his or her</p> <p>21 job. The manager is not doing their job,</p> <p>22 and I can't keep up with everything.</p> <p>23 Q. You mentioned that there was a</p> <p>24 system, what system was it?</p> <p>25 A. Vin V-I-N Solutions.</p>

<p style="text-align: right;">Page 138</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. When you talked about Vin</p> <p>3 Solutions, was the salesperson paid the</p> <p>4 effective amount of bonuses? In other</p> <p>5 words, if the car was not logged into the</p> <p>6 system, would they still get the bonus or</p> <p>7 the commission, I'm sorry, on the car sold?</p> <p>8 A. Let me understand your question</p> <p>9 correctly. If the Vin Solutions does not</p> <p>10 have any effect on their bonus over there,</p> <p>11 that answer is no bonus, they got paid on</p> <p>12 what they sold. We have a complete file of</p> <p>13 the customer and the salesperson provides a</p> <p>14 commission sheet, like I mentioned in my</p> <p>15 previous question that you asked me. They</p> <p>16 would write down the name of the customer,</p> <p>17 and if the car had any bonus to it. If it</p> <p>18 could be a bonus of 25, \$50 or 5 percent,</p> <p>19 any kind of bonus. They would write it down</p> <p>20 because I have a different kind of bonus</p> <p>21 structure, every -- it's different, every</p> <p>22 time, it's is different every day. So, no</p> <p>23 salesperson would ever not get paid on a</p> <p>24 deal that they delivered a car.</p> <p>25 Q. Now we are looking at</p>	<p style="text-align: right;">Page 139</p> <p>1 Ishaque Thanwalla</p> <p>2 defendant's document production 249 and we</p> <p>3 are still on that same set of documents,</p> <p>4 with the customer dashboard log. Page 249</p> <p>5 of Plaintiff's Exhibit 2 corresponds to</p> <p>6 defendant's document production 249.</p> <p>7 I'm going to turn your attention to a</p> <p>8 specific section on this particular log</p> <p>9 pertaining to an individual Franklin Yanes</p> <p>10 Y-A-N-E-S.</p> <p>11 Specifically I'm going to turn your</p> <p>12 intention to defendant's production 252 that</p> <p>13 corresponds to page 252 of Plaintiff's</p> <p>14 Exhibit 2.</p> <p>15 Please turn your attention to the amount</p> <p>16 of time that the showroom visit lasted. Can</p> <p>17 you explain that to me and can you tell me</p> <p>18 what that shows?</p> <p>19 MR. KATAEV: Objection to</p> <p>20 the form. You can answer.</p> <p>21 A. It's a very simple answer.</p> <p>22 Leticia herself gave the answer for this</p> <p>23 particular line at the last time at the</p> <p>24 deposition. You can look into it on her</p> <p>25 deposition. It was marked as an "visit,"</p>
<p style="text-align: right;">Page 140</p> <p>1 Ishaque Thanwalla</p> <p>2 but nobody marked it until it was the second</p> <p>3 day. The customer was not sitting there for</p> <p>4 22 hours, it is impossible, we are not even</p> <p>5 open 22 hours straight.</p> <p>6 Q. Is it accurate to say that in</p> <p>7 fact the amount of time is the amount of</p> <p>8 time it takes the BDC employee to log, for</p> <p>9 instance the showroom visit as opposed to an</p> <p>10 actual waiting time?</p> <p>11 A. Mostly it is done by the</p> <p>12 salesperson person. What happens when the</p> <p>13 salesperson does not do it, what happens is</p> <p>14 that BDC person finds out, and they put the</p> <p>15 visit in. Like I said, that is controlled</p> <p>16 by everybody, so they can do either a visit,</p> <p>17 they can put it next to the sold, it's not</p> <p>18 the final record for the sale or for the</p> <p>19 visit.</p> <p>20 MS. TROY: Let's go off</p> <p>21 the record.</p> <p>22 (A discussion was held off</p> <p>23 the record)</p> <p>24 Q. In terms of the wait time, can</p> <p>25 you describe to me once the customer comes</p>	<p style="text-align: right;">Page 141</p> <p>1 Ishaque Thanwalla</p> <p>2 in, what do they need to wait for, what are</p> <p>3 the different things that they need to wait</p> <p>4 for in order to walk out with the car or</p> <p>5 walk out without the car, for instance?</p> <p>6 A. So, your question is how long it</p> <p>7 takes to sell a car, is that what your</p> <p>8 question is?</p> <p>9 Q. Yes, with different components</p> <p>10 broken down.</p> <p>11 A. Different components broken</p> <p>12 down, every situation is a different</p> <p>13 situation. Meaning when I say "situation,"</p> <p>14 that means I have customers and every deal</p> <p>15 is different one next to the other.</p> <p>16 Q. I'm going to follow-up for a</p> <p>17 second. If the customer does not require</p> <p>18 any mortgage, what would the situation be?</p> <p>19 MR. KATAEV: Objection to</p> <p>20 the form.</p> <p>21 A. If it's a cash deal, it still</p> <p>22 takes time, I still have to go through the</p> <p>23 process of printing the paper, it's still a</p> <p>24 process, for the DMV. Sometimes in our</p> <p>25 locations, our internet is not the greatest,</p>

<p style="text-align: right;">Page 142</p> <p>1 Ishaque Thanwalla</p> <p>2 and it can take a while. Maybe the printer</p> <p>3 is not working, maybe the DMV printer which</p> <p>4 is a Dealer Track Management printer, you</p> <p>5 have to look up for security purposes, it</p> <p>6 sometimes does not go on. Maybe the</p> <p>7 customer has to wait 45 minutes for us to</p> <p>8 print it because of the internet issues,</p> <p>9 even in a cash deal, it can take time based</p> <p>10 on that. Then, once the process is</p> <p>11 finished, if they can process it with the</p> <p>12 Department of Motor Vehicles, we do all the</p> <p>13 DMV in-house.</p> <p>14 At that time, we are required to make</p> <p>15 sure that our customer, the consumers have</p> <p>16 the insurance and have a scanned copy, that</p> <p>17 way we can scan it into the Department of</p> <p>18 Motor Vehicles.</p> <p>19 Everything is time consuming because it</p> <p>20 is not a washing machine, where you just pay</p> <p>21 a quarter and you put the washing machine</p> <p>22 on. You don't just walk out the door This</p> <p>23 is an automobile, there are legalities which</p> <p>24 have a lot of crossing your "T's" and</p> <p>25 dotting your "I's," because the Department</p>	<p style="text-align: right;">Page 143</p> <p>1 Ishaque Thanwalla</p> <p>2 of Motor Vehicle, it's a Government</p> <p>3 department. It takes time and we want to do</p> <p>4 it the right way, not the wrong way, so we</p> <p>5 have problems.</p> <p>6 Q. You mentioned doing it the</p> <p>7 "right way" with the DMV, how long does it</p> <p>8 take, roughly?</p> <p>9 A. Let me just say, when you say</p> <p>10 "the right way," we try our best to do the</p> <p>11 right way. I'm not sure if you get my</p> <p>12 answer, we try our best.</p> <p>13 Q. My question is: how long does it</p> <p>14 take?</p> <p>15 A. It can take between 30 minutes</p> <p>16 to 2 hours or 3 hours. I can't answer that</p> <p>17 question 100 percent.</p> <p>18 Q. Let's talk about the different</p> <p>19 types of customers, one that is essentially</p> <p>20 the cash deal, the one you have to run the</p> <p>21 credit score, how much additional time with</p> <p>22 that additional factor that you just</p> <p>23 described for me?</p> <p>24 A. It is different, it could be</p> <p>25 between 1 hour to another 2 hours or 3hours.</p>
<p style="text-align: right;">Page 144</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. That 1 to 2 hours, is that all</p> <p>3 for the customers so that he gets to walk</p> <p>4 away with the car or --</p> <p>5 A. It could be, but it could not</p> <p>6 be, because we are still waiting for the</p> <p>7 bank to answer, for that answer. Then, we</p> <p>8 have to get the insurance and sometimes they</p> <p>9 have no insurance, you have to have multiple</p> <p>10 processes in the auto industry. To give you</p> <p>11 an example, there are some online seminars</p> <p>12 from the FTC, the Federal Trade Commission,</p> <p>13 and they are saying that if it requires that</p> <p>14 long to sell a car, they even recognized it</p> <p>15 because so many processes are involved. It</p> <p>16 can take between 2 hours to 6 hours and I</p> <p>17 can't tell you how often.</p> <p>18 Q. On-average, how much time does</p> <p>19 it take for customers to walk out with the</p> <p>20 car; let's start with customers that are</p> <p>21 doing a cash deal?</p> <p>22 MR. KATAEV: Objection.</p> <p>23 Asked and answered but you</p> <p>24 can answer again.</p> <p>25 Q. Between 2 and 4 hours.</p>	<p style="text-align: right;">Page 145</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. How about the customer that</p> <p>3 requires some form of credit.</p> <p>4 A. Like I said, 2 to 4 hours, 6</p> <p>5 hours maybe.</p> <p>6 Q. Can you describe how the</p> <p>7 DealerTrak system works?</p> <p>8 A. The DealerTrak system, we put</p> <p>9 the consumer's information, and that is what</p> <p>10 we don't give a login and a password.</p> <p>11 Everyone and anyone, we don't give it to</p> <p>12 them, it's only the service people have it,</p> <p>13 certain people.</p> <p>14 You can put in consumer information in</p> <p>15 there, then you send it to the bank.</p> <p>16 Because we are a -- because we have a bank</p> <p>17 hookup directly to the Dealertrak it goes to</p> <p>18 the banker and notwithstanding, the analysts</p> <p>19 will look at it, at the application. It</p> <p>20 depends on the bank how busy they are and</p> <p>21 what kind of credit structure that is. And,</p> <p>22 if they have to calculate the LTD, which is</p> <p>23 the loan to debt.</p> <p>24 Have to make sure that they verify the</p> <p>25 employment of whatever the requirement on</p>

<p style="text-align: right;">Page 146</p> <p>1 Ishaque Thanwalla</p> <p>2 the analyst's side is sometimes they give</p> <p>3 the answer in half an hour and sometimes it</p> <p>4 can take three hours. Sometimes it comes</p> <p>5 back and asks for more paperwork.</p> <p>6 They ask to come back maybe in half an</p> <p>7 hour and we say "okay." It may require on</p> <p>8 this guy, maybe once you give the pay stub,</p> <p>9 they provide me with the truth, with the</p> <p>10 proof of the address, we are going to go</p> <p>11 back to the consumer, and scan it. It's a</p> <p>12 different case, different thing. Every time</p> <p>13 is different, no 2 cases in your business</p> <p>14 are the same. That's the same thing with</p> <p>15 us, there are no 2 customers that are the</p> <p>16 same, everyone is different.</p> <p>17 One takes 3 years to close the case and</p> <p>18 one takes 3 months to close the case. It's</p> <p>19 like in your business.</p> <p>20 Q. Let's backtrack for a moment, in</p> <p>21 November of 2018 who was running the dealer</p> <p>22 log, who was running that?</p> <p>23 MR. KATAEV: Objection to</p> <p>24 the form. You can answer.</p> <p>25 A. I myself, and whoever was my</p>	<p style="text-align: right;">Page 147</p> <p>1 Ishaque Thanwalla</p> <p>2 assistant.</p> <p>3 Q. Who would that be?</p> <p>4 A. I don't know who it may be, it</p> <p>5 may be Guzman, it may be Jeanique. I don't</p> <p>6 know who was there, I can't recall who was</p> <p>7 there at the time.</p> <p>8 Q. How about right before you left</p> <p>9 for Pakistan, who was running the DealerTrak</p> <p>10 system?</p> <p>11 A. Ali.</p> <p>12 Q. Besides Ali, anyone else?</p> <p>13 A. Yes, Guzman.</p> <p>14 Q. Anyone else?</p> <p>15 A. Serge has the power, he is the</p> <p>16 finance manager and Louis had the power, he</p> <p>17 is a finance manager. That's about it,</p> <p>18 that's what I can recall. Maybe somebody</p> <p>19 else, but I don't know. I can't recall.</p> <p>20 Q. Is it accurate to say that Serge</p> <p>21 and Louis were typically running the</p> <p>22 DealerTrak for the customers just usually,</p> <p>23 and would it be the sales manager who did it</p> <p>24 as well?</p> <p>25 A. It's not typical. It's not</p>
<p style="text-align: right;">Page 148</p> <p>1 Ishaque Thanwalla</p> <p>2 typically. I can't 100 percent answer that</p> <p>3 to give you an example, let's just say it</p> <p>4 was one day and Guzman is off and Ali is on</p> <p>5 the shift, correct? So what happens is Ali</p> <p>6 has one file and the other salesman has</p> <p>7 another customer. Ali would say "take this</p> <p>8 to service to run the credit," or take it to</p> <p>9 Louis to run the credit. That typically</p> <p>10 happens.</p> <p>11 Q. When you were out in Pakistan,</p> <p>12 you usually did not run the DealerTrak</p> <p>13 system, correct?</p> <p>14 A. Correct. But, I have it on the</p> <p>15 DealerTrack from back home. I can look up,</p> <p>16 I can look it up because I look at my</p> <p>17 reports and I look at my things almost every</p> <p>18 day.</p> <p>19 I am hands-on, either when I was in the</p> <p>20 country or either if I am out of the</p> <p>21 country, either if on I'm vacation, even if</p> <p>22 I'm not on vacation. I am very hands on.</p> <p>23 That's the only thing I have to say, this is</p> <p>24 my baby and I work very hard all my life to</p> <p>25 have something.</p>	<p style="text-align: right;">Page 149</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Understood. The DealerTrak,</p> <p>3 does it log out when the user logs in, as</p> <p>4 well as the ICU location?</p> <p>5 A. It tracks the ICU location,</p> <p>6 correct, as well as what not to allow if</p> <p>7 they look at the credit, but I can run the</p> <p>8 credit.</p> <p>9 Q. In other words you can tell who</p> <p>10 was logging in where at what time using your</p> <p>11 account and password?</p> <p>12 A. Yes. Nobody else should get on</p> <p>13 my log on password, nobody has it unless</p> <p>14 somebody stole it.</p> <p>15 Q. We're going to go now back to</p> <p>16 Plaintiff's Exhibit 2 for identification and</p> <p>17 specifically, I'm going to have you take a</p> <p>18 look at page 1281, which again corresponds</p> <p>19 to defendant's documents production 1281 for</p> <p>20 an individual that was identified as "2."</p> <p>21 Mr. Thanwalla, you don't know the</p> <p>22 individual, is it fair to say that each of</p> <p>23 the pay stubs that were demarcated with an</p> <p>24 "2" pertaining to an individual, the same</p> <p>25 individual was marked as 2?</p>

<p style="text-align: right;">Page 150</p> <p>1 Ishaque Thanwalla</p> <p>2 MR. KATAEV: Objection to</p> <p>3 the form. You may answer.</p> <p>4 A. I don't know. I can't answer</p> <p>5 that question because I don't know what 2</p> <p>6 is.</p> <p>7 MR. KATAEV: I'm making</p> <p>8 the representation to counsel</p> <p>9 that I made an identification</p> <p>10 marker on there, wherever 2</p> <p>11 is listed by the ID number,</p> <p>12 it's the same person.</p> <p>13 Q. Okay. My follow-up question to</p> <p>14 that is, for each of the different numbers</p> <p>15 that were placed on the earnings statement,</p> <p>16 those numbers for instance that say "35,"</p> <p>17 would they pertain to the individual 35?</p> <p>18 MR. KATAEV: If the</p> <p>19 question is for the documents</p> <p>20 labeled 35, it refers to the</p> <p>21 same person and the answer is</p> <p>22 yes. I'll make the</p> <p>23 representation that I made</p> <p>24 the markers on this.</p> <p>25 THE WITNESS: I was aware</p>	<p style="text-align: right;">Page 151</p> <p>1 Ishaque Thanwalla</p> <p>2 of it.</p> <p>3 MS. TROY: That you were</p> <p>4 aware?</p> <p>5 THE WITNESS: I was.</p> <p>6 MS. TROY: Can you</p> <p>7 possibly move the speaker</p> <p>8 closer to you?</p> <p>9 (The witness complies)</p> <p>10 MS. TROY: So that it is</p> <p>11 clear. Emanuel, please do</p> <p>12 that.</p> <p>13 (A discussion was held off</p> <p>14 the record)</p> <p>15 MS. TROY: We are back on</p> <p>16 the record at 2:46.</p> <p>17 Q. Are you alleging now that</p> <p>18 someone that had unauthorized access to</p> <p>19 DealerTrak?</p> <p>20 A. I never alleged that, I never</p> <p>21 said that.</p> <p>22 Q. Did you --</p> <p>23 THE WITNESS: I am not</p> <p>24 done with my answer.</p> <p>25 MS. TROY: I'm sorry. Go</p>
<p style="text-align: right;">Page 152</p> <p>1 Ishaque Thanwalla</p> <p>2 ahead.</p> <p>3 A. I said "maybe somebody stole my</p> <p>4 DealerTrak ID and password." I'm not aware</p> <p>5 of that, just letting you know, just telling</p> <p>6 you that I never alleged anybody having it,</p> <p>7 no. I wasn't giving it out, It's too much</p> <p>8 of a privacy issue.</p> <p>9 Q. Let's backtrack for a moment to</p> <p>10 the robbery, who was the robber?</p> <p>11 A. It was an employee we hired and</p> <p>12 that was him. I don't know. He got caught</p> <p>13 and he got punished for it.</p> <p>14 Q. Was that employee's name</p> <p>15 Anthony?</p> <p>16 A. I think so, not 100 percent</p> <p>17 recalling everything.</p> <p>18 Q. Did Andris Guzman have any</p> <p>19 authority to discipline employees?</p> <p>20 A. Andris Guzman only takes orders</p> <p>21 from me when I ask him to do.</p> <p>22 Q. So, please answer my question;</p> <p>23 it's a yes or no question, did he have the</p> <p>24 authority to discipline employees?</p> <p>25 A. Did he have any authority to</p>	<p style="text-align: right;">Page 153</p> <p>1 Ishaque Thanwalla</p> <p>2 discipline employees? His job was to run</p> <p>3 credit and make sure everything was</p> <p>4 organized, not to my knowledge, he had</p> <p>5 authority to discipline, no. To my</p> <p>6 knowledge, he had no authority to discipline</p> <p>7 unless he came to me and I disciplined.</p> <p>8 Q. Has he ever come to you for you</p> <p>9 to discipline an employee?</p> <p>10 A. Not really. I never had issues</p> <p>11 at my dealership, we run a good and happy</p> <p>12 family, that's the way we work, that is the</p> <p>13 way that I still work. You can see by my</p> <p>14 persona that's the way that I am, I'm very</p> <p>15 happy and very loving and very caring. I</p> <p>16 will give the shirt off my back to my</p> <p>17 people.</p> <p>18 Q. Did Andris Guzman have the</p> <p>19 authority to hire employees?</p> <p>20 A. No.</p> <p>21 Q. How about firing employees?</p> <p>22 A. No.</p> <p>23 Q. How about to set schedules?</p> <p>24 A. Set the schedule? Yes.</p> <p>25 Q. Did Ali generally --</p>

<p style="text-align: right;">Page 154</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Ali, did all of that, the people</p> <p>3 to get you the right answer, complete</p> <p>4 answer. All of the people, do you mean all</p> <p>5 the sales managers?</p> <p>6 Q. The sales managers.</p> <p>7 A. Sales managers yes, not my</p> <p>8 finance manager.</p> <p>9 Q. Did he set the schedule for the</p> <p>10 salespeople only or for everyone?</p> <p>11 A. When you say open "salespeople</p> <p>12 only," and everyone, when you say</p> <p>13 "everyone," I wouldn't say everyone because</p> <p>14 he ran his -- his title was sales manager</p> <p>15 and his department was sales. So, he only</p> <p>16 managed the salespeople.</p> <p>17 Q. Who decided which salesperson</p> <p>18 should go to whom to run the credit through</p> <p>19 the DealerTrak system?</p> <p>20 A. Can you repeat your question?</p> <p>21 Q. I --</p> <p>22 A. Can you ask your question in a</p> <p>23 different form, maybe where I can completely</p> <p>24 answer it and comprehend it?</p> <p>25 MS TROY: I'm going to</p>	<p style="text-align: right;">Page 155</p> <p>1 Ishaque Thanwalla</p> <p>2 have the court reporter read</p> <p>3 the question back. Let me</p> <p>4 know if you understand it, if</p> <p>5 not, I will rephrase it.</p> <p>6 (The reporter reads back the</p> <p>7 last question)</p> <p>8 A. Let me understand this question,</p> <p>9 which salesperson decided which salesperson</p> <p>10 can go to which manager, is that the</p> <p>11 question?</p> <p>12 Q. To run the credit, yes.</p> <p>13 A. It is based upon any salesperson</p> <p>14 can go to any manager who is available at</p> <p>15 the time. There is no preference, there is</p> <p>16 no term, anyone can walk up to any manager.</p> <p>17 Q. During Leticia's employment with</p> <p>18 Hillside Auto Outlet, did she have you run</p> <p>19 the credit from time to time?</p> <p>20 A. The answer to that question is</p> <p>21 yes, I ran credit, Guzman ran credit,</p> <p>22 Jeanique ran credit, Ali ran the credit, and</p> <p>23 sometimes we were all busy and she went to a</p> <p>24 finance manager and read the credit. Did</p> <p>25 that answer your question completely?</p>
<p style="text-align: right;">Page 156</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Did there come a time when</p> <p>3 Andris Guzman was new and he was learning</p> <p>4 how to run the credit?</p> <p>5 A. Guzman was my manager since a</p> <p>6 very long time.</p> <p>7 Q. I understand. When did he start</p> <p>8 running the credit for Hillside Auto Outlet?</p> <p>9 A. The day he started to work with</p> <p>10 me.</p> <p>11 Q. To be clear, what was that date?</p> <p>12 A. I can't recall. I don't know.</p> <p>13 I can't remember, but he knew it before he</p> <p>14 came to work for me because he worked with</p> <p>15 me at a previous location.</p> <p>16 Q. Where was that previous</p> <p>17 location?</p> <p>18 A. Is that relevant?</p> <p>19 MR. KATAEV: You have to</p> <p>20 answer. Objection to</p> <p>21 relevance, but you have to</p> <p>22 answer.</p> <p>23 A. Queens Auto Mall.</p> <p>24 Q. You are saying that he ran the</p> <p>25 credit at Queens Auto Mall also?</p>	<p style="text-align: right;">Page 157</p> <p>1 Ishaque Thanwalla</p> <p>2 A. He worked for me over there,</p> <p>3 yes, he did things for me, yes.</p> <p>4 Q. The question specifically is:</p> <p>5 did he run the credit at Queens Auto Mall?</p> <p>6 A. Yes.</p> <p>7 Q. Again, just as a reminder, it's</p> <p>8 the same idea, nothing personal, please just</p> <p>9 wait until I finish asking the question</p> <p>10 before you jump in. That way we don't need</p> <p>11 you to repeat yourself, understood?</p> <p>12 A. Yes, understood, perfect.</p> <p>13 Q. During Leticia's employment with</p> <p>14 Hillside Auto Outlet, was she a dependable</p> <p>15 employee?</p> <p>16 MR. KATAEV: Objection,</p> <p>17 but, you can answer.</p> <p>18 A. When you say "dependable</p> <p>19 employee," can you elaborate? Do you mean</p> <p>20 was she on time every day, is that what you</p> <p>21 are asking me?</p> <p>22 Q. Let's start with that.</p> <p>23 A. Yes. Sometimes she came late</p> <p>24 and sometimes on time, she was dependable.</p> <p>25 At times she went early, she left early.</p>

<p style="text-align: right;">Page 158</p> <p>1 Ishaque Thanwalla</p> <p>2 That was when she wasn't feeling well or had</p> <p>3 something else to do based on her ability</p> <p>4 because she sold a lot of -- she spent a lot</p> <p>5 of time, and I gave her leeway that she</p> <p>6 needed.</p> <p>7 Q. Would you say that she was an</p> <p>8 excellent employee?</p> <p>9 A. She was an excellent</p> <p>10 salesperson.</p> <p>11 Q. At any point during her</p> <p>12 employment, was she ever disciplined?</p> <p>13 A. I think maybe once, but I can't</p> <p>14 recall what the reason was.</p> <p>15 Q. I know you cannot recall the</p> <p>16 incident, do you recall maybe when that</p> <p>17 happened?</p> <p>18 A. I cannot answer that, I really</p> <p>19 can't remember, honestly.</p> <p>20 Q. At any point during her</p> <p>21 employment with Hillside Auto Outlet, was</p> <p>22 Leticia ever suspended?</p> <p>23 A. From Hillside Auto Outlet?</p> <p>24 Q. Correct.</p> <p>25 A. I don't think so.</p>	<p style="text-align: right;">Page 159</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Let's backtrack for a second,</p> <p>3 were any car salespeople ever given a</p> <p>4 written evaluation at any point between 2018</p> <p>5 and 2019?</p> <p>6 A. They were given an evaluation</p> <p>7 every month based on her or his sales.</p> <p>8 Q. That evaluation is the same or</p> <p>9 different from the amounts of money that</p> <p>10 they got?</p> <p>11 A. The amounts of money correlates,</p> <p>12 the sales, equal amount of money.</p> <p>13 The more sales that you make, you make a</p> <p>14 lot of money, if you don't make a lot of</p> <p>15 money -- if you don't make a lot of sales,</p> <p>16 you don't make a lot of money.</p> <p>17 Q. I understand. I just want to</p> <p>18 know the written evaluation every month was</p> <p>19 based on his or her sales; what form is that</p> <p>20 report kept?</p> <p>21 A. I answered your question. We</p> <p>22 did evaluations, but not in writing. I said</p> <p>23 we did evaluations based on the sales that</p> <p>24 they did, a good or great job. We sat down</p> <p>25 with them, "good, now let's move on and do a</p>
<p style="text-align: right;">Page 160</p> <p>1 Ishaque Thanwalla</p> <p>2 better job, you did a great job. Next time</p> <p>3 do a better job." We say "are you going to</p> <p>4 make another 20 sales this month?" We're</p> <p>5 going to do this extra so that we can make</p> <p>6 more deals so that you can make more money.</p> <p>7 We get more done for the bonuses, whatever</p> <p>8 the bonuses were.</p> <p>9 Q. To be clear, was one of the ways</p> <p>10 in which the number of cars sold per</p> <p>11 salesperson tracked on a board with a name</p> <p>12 and a tally?</p> <p>13 A. You got that right, yes. We</p> <p>14 used to have a board, but we don't any</p> <p>15 longer have the board.</p> <p>16 Q. Is it accurate to say that when</p> <p>17 you left for Pakistan that Leticia was</p> <p>18 leading the board, meaning she was the top</p> <p>19 saleswoman based on the tally?</p> <p>20 A. I can't answer that, I can't</p> <p>21 recall that in my memory.</p> <p>22 She was always first or second or third</p> <p>23 in position. So, there were three top</p> <p>24 people at the time, one was Leticia, one was</p> <p>25 -- I have a person Sean, and he was always</p>	<p style="text-align: right;">Page 161</p> <p>1 Ishaque Thanwalla</p> <p>2 on top. Or it was one was one month, one</p> <p>3 was the second month and one was the third</p> <p>4 month. She was always first or second or</p> <p>5 third on the position. So, there were three</p> <p>6 top people, one was Leticia, one was David</p> <p>7 Parsons and the other one was Shane. They</p> <p>8 were always on the top of each other,</p> <p>9 meaning one was one month, one the second</p> <p>10 month, and one the third month. They were</p> <p>11 always first, second and third position,</p> <p>12 usually.</p> <p>13 Q. When you talked about Shane,</p> <p>14 what was Shane's last name?</p> <p>15 A. I can't remember his name, it's</p> <p>16 an Arabic name and I can't pronounce it.</p> <p>17 Q. Is it Shane or Sean?</p> <p>18 A. Shane. When I called him</p> <p>19 "Sean," he said "don't call me Sean." He</p> <p>20 said it is "Shane."</p> <p>21 Q. Do you recall Leticia being the</p> <p>22 first, second or third; do you recall if she</p> <p>23 was actually always the first before you</p> <p>24 left for Pakistan?</p> <p>25 Q. Always the first one putting on</p>

<p style="text-align: right;">Page 162</p> <p>1 Ishaque Thanwalla</p> <p>2 the board, I said it was between the first,</p> <p>3 second and third, all of them.</p> <p>4 A. Do you recall how many cars were</p> <p>5 sold on-average by David Parsons?</p> <p>6 They all averaged between 15 and 25 one</p> <p>7 month, one is 15 the other, the other is 20,</p> <p>8 22 or 25. One did the next month 25 and the</p> <p>9 other did 15. It always varied, it's a</p> <p>10 variable number in between those numbers.</p> <p>11 Q. When did David start to work at</p> <p>12 Hillside Auto Outlets, do you remember the</p> <p>13 month?</p> <p>14 A. I can't remember, but the year</p> <p>15 would be 2018. But, the month, I can't</p> <p>16 answer that.</p> <p>17 Q. Do you recall what his base pay</p> <p>18 was?</p> <p>19 A. I can't recall.</p> <p>20 Q. How about Shane, when did he</p> <p>21 start working at Hillside Auto?</p> <p>22 A. The same year, 2018. He is still</p> <p>23 there.</p> <p>24 Q. When did David Parsons end</p> <p>25 working at Hillside Auto?</p>	<p style="text-align: right;">Page 163</p> <p>1 Ishaque Thanwalla</p> <p>2 A. I can't recall.</p> <p>3 Q. Was the Shane that we were</p> <p>4 talking about an African-American</p> <p>5 individual?</p> <p>6 A. Shane is Arabic, Middle-Eastern,</p> <p>7 I would say.</p> <p>8 Q. Was that the Middle Eastern</p> <p>9 individual that you were talking about</p> <p>10 working for Hillside Auto Outlet, was that</p> <p>11 at the same time that Leticia was working</p> <p>12 there?</p> <p>13 A. The same time as Leticia was</p> <p>14 working there?</p> <p>15 Q. Correct.</p> <p>16 A. Yes. Supposedly. So, if that</p> <p>17 person was working there, he would appear on</p> <p>18 the earnings statement that were provided by</p> <p>19 you to your attorney; is that correct?</p> <p>20 A. You have all of the documents.</p> <p>21 MS. TROY: Cutting to the</p> <p>22 chase, if you could just</p> <p>23 provide the unredacted</p> <p>24 version of the documents,</p> <p>25 because there is clearly some</p>
<p style="text-align: right;">Page 164</p> <p>1 Ishaque Thanwalla</p> <p>2 confusion as to who and what</p> <p>3 or even if Mr. Parsons</p> <p>4 actually was there.</p> <p>5 MR. KATAEV: Follow-up in</p> <p>6 writing and we will respond</p> <p>7 accordingly.</p> <p>8 Q. I'm going to turn your attention</p> <p>9 to Leticia's pay stub Mr. Thanwalla. We are</p> <p>10 on page 1187, which corresponds with</p> <p>11 defendant's document production 1187.</p> <p>12 Mr. Thanwalla, does this comport with</p> <p>13 your understanding in terms of the regular</p> <p>14 wage rate that was provided to Ms. Stidhum</p> <p>15 while she was a commissioned salesperson,</p> <p>16 the regular \$300 salary plus the commission?</p> <p>17 A. Yes. That is people on this pay</p> <p>18 stub, \$1,080, but I don't understand minimum</p> <p>19 wage.</p> <p>20 Q. Going to the next page we are</p> <p>21 now on page 1188 which corresponds to</p> <p>22 defendant's document production 1188. Does</p> <p>23 the \$780 figure, the commission, meaning the</p> <p>24 flat commission \$150 per car sold plus a 5</p> <p>25 percent bonus?</p>	<p style="text-align: right;">Page 165</p> <p>1 Ishaque Thanwalla</p> <p>2 A. It can represent numerous</p> <p>3 things. Like, you can have 5 cars plus a</p> <p>4 bonus car, or 5 cars plus maybe 1 car, 5</p> <p>5 percent, 5 cars plus the weekend bonus.</p> <p>6 There are a lot of -- there can be</p> <p>7 variations here, this is not an exact thing</p> <p>8 like I mentioned to you previously numerous</p> <p>9 times, that we have different bonus</p> <p>10 structures and that is why we cannot say</p> <p>11 flat.</p> <p>12 Q. That bonus structure is sort of</p> <p>13 laid out in the weekly deposits that I</p> <p>14 demanded today, correct? That was filled out</p> <p>15 by each car salesperson on a weekly basis?</p> <p>16 MR. KATAEV: Objection to</p> <p>17 the form. You can answer.</p> <p>18 A. I guess, yes.</p> <p>19 Q. Was that ever turned over by you</p> <p>20 to us?</p> <p>21 MR. KATAEV: Objection to</p> <p>22 the form. You can answer.</p> <p>23 A. I have no idea.</p> <p>24 MR. KATAEV: If you want</p> <p>25 to take a look, we can try to</p>

<p style="text-align: right;">Page 166</p> <p>1 Ishaque Thanwalla</p> <p>2 look and see if we can pull</p> <p>3 that text.</p> <p>4 MS. TROY: That's fine.</p> <p>5 The time is now 3:06 p.m. and</p> <p>6 we will come back on the</p> <p>7 record at 3:20.</p> <p>8 MR. KATAEV: Yes, 3:20.</p> <p>9 MS. TROY: You need that</p> <p>10 much time?</p> <p>11 MR. KATAEV: Yes, to get</p> <p>12 it printed and scanned.</p> <p>13 MS. TROY: Fine. Let's</p> <p>14 take that break.</p> <p>15 (A recess was taken from 3:06</p> <p>16 p.m. until 3:24 p.m.)</p> <p>17 MR. KATAEV: I represent</p> <p>18 to you, Tiffany, that I have</p> <p>19 sent you the WhatsApp</p> <p>20 messages for the entire</p> <p>21 meeting of Leticia's exchange</p> <p>22 with the witness. But, the</p> <p>23 ones between Ali, that is</p> <p>24 only for the relevant period</p> <p>25 because the entirety of the</p>	<p style="text-align: right;">Page 167</p> <p>1 Ishaque Thanwalla</p> <p>2 other messages have very</p> <p>3 sensitive financial</p> <p>4 information that we object to</p> <p>5 producing. So, if we need to</p> <p>6 deal with that objection, we</p> <p>7 will deal with it with the</p> <p>8 Court.</p> <p>9 I'm just making a</p> <p>10 representation to counsel</p> <p>11 that nowhere else in the 18</p> <p>12 pages of messages is Leticia</p> <p>13 referenced or anything</p> <p>14 related to this case. It is</p> <p>15 mostly all financial</p> <p>16 information and information</p> <p>17 related to particular sales.</p> <p>18 MS. TROY: Is the message</p> <p>19 pertaining to particular</p> <p>20 sales related to sales that</p> <p>21 Leticia may have done while</p> <p>22 she was working at Hillside</p> <p>23 Auto Outlet?</p> <p>24 MR. KATAEV: There is no</p> <p>25 way to tell, I don't think</p>
<p style="text-align: right;">Page 168</p> <p>1 Ishaque Thanwalla</p> <p>2 so. But, I don't know, the</p> <p>3 final thing I want to say is</p> <p>4 that you have the complete</p> <p>5 regular text messages</p> <p>6 exchanged between the witness</p> <p>7 and your client, the</p> <p>8 plaintiff. That is in the</p> <p>9 final email that I just sent.</p> <p>10 I believe it says "Leticia's</p> <p>11 text messages." We will</p> <p>12 Bate's stamp that when it is</p> <p>13 time so that we don't have to</p> <p>14 waste time and you can</p> <p>15 proceed with the deposition.</p> <p>16 MS. TROY: Let's go off</p> <p>17 the record.</p> <p>18 (A discussion was held off</p> <p>19 the record)</p> <p>20 MS. TROY: It is now 3:40</p> <p>21 p. m. and I will review the</p> <p>22 documents.</p> <p>23 I'm going to mark the</p> <p>24 exhibit, the document that</p> <p>25 was sent again, text messages</p>	<p style="text-align: right;">Page 169</p> <p>1 Ishaque Thanwalla</p> <p>2 I believe using a Decipher</p> <p>3 App, between Mr. Thanwalla</p> <p>4 and Leticia that we're going</p> <p>5 to mark now as Exhibit 5.</p> <p>6 (Plaintiff's Exhibit 5 marked</p> <p>7 for identification).</p> <p>8 Exhibit 6 is his decipher</p> <p>9 chat between Leticia and Mr.</p> <p>10 Thanwalla on the WhatsApp</p> <p>11 chat. Then, exhibit 7 is</p> <p>12 decipher chat conversations</p> <p>13 page 5 of 18 between Mr.</p> <p>14 Thanwalla and Ali.</p> <p>15 (Plaintiff's Exhibit 6, and 7</p> <p>16 now marked for</p> <p>17 identification.)</p> <p>18 Q. I'm going to show you various</p> <p>19 exhibits and ask you a couple of questions.</p> <p>20 We are now looking at exhibit 3 and my</p> <p>21 question for you is: when were these</p> <p>22 photographs taken?</p> <p>23 A. I think yesterday or the day</p> <p>24 before yesterday.</p> <p>25 Q. Why were these photographs</p>

<p style="text-align: right;">Page 170</p> <p>1 Ishaque Thanwalla</p> <p>2 taken?</p> <p>3 A. Because I was messaging and I</p> <p>4 wanted to put them into a file.</p> <p>5 Q. You believe that you may have</p> <p>6 done it on Wednesday or Thursday, and you</p> <p>7 were just putting a photograph of the text</p> <p>8 message, correct?</p> <p>9 A. That's the only way that I knew</p> <p>10 how to do it.</p> <p>11 Q. You took it on your phone or</p> <p>12 some other person's phone?</p> <p>13 A. It's my second phone.</p> <p>14 Q. Did you text at all with Leticia</p> <p>15 on your second phone, meaning the phone that</p> <p>16 you used to take the pictures?</p> <p>17 A. I never texted to her, this is a</p> <p>18 form, because too many customers were</p> <p>19 calling or texting in the middle of the</p> <p>20 night and I required a phone a few months</p> <p>21 back and that is the phone.</p> <p>22 Q. Did you represent to me that</p> <p>23 these messages were between you and Leticia;</p> <p>24 if so, you are on the blue and Leticia on</p> <p>25 the white, actually, on the gray?</p>	<p style="text-align: right;">Page 171</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Yes.</p> <p>3 Q. Is this an accurate</p> <p>4 representation of the text messages just</p> <p>5 that you sent and you received from Leticia?</p> <p>6 A. It's on the phone, that's</p> <p>7 accurate on the phone that you are showing</p> <p>8 me, yes.</p> <p>9 Q. Is that the same for the</p> <p>10 entirety of the text messages, meaning all</p> <p>11 23 pages that I am showing you on the screen</p> <p>12 right now, is that accurate as far as you</p> <p>13 can tell?</p> <p>14 A. Yes.</p> <p>15 Q. Next we're going to turn our</p> <p>16 attention to exhibit 4, same question for</p> <p>17 which is: when was the photograph of the</p> <p>18 phone taken?</p> <p>19 A. Either yesterday or the day</p> <p>20 before yesterday.</p> <p>21 Q. Why did you take these</p> <p>22 photographs?</p> <p>23 A. I wanted to put in the</p> <p>24 communications, the contents in the file,</p> <p>25 our communications.</p>
<p style="text-align: right;">Page 172</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. To the best of your knowledge,</p> <p>3 does the photograph accurately represent the</p> <p>4 text messages that were from you to Leticia</p> <p>5 and from Leticia to you?</p> <p>6 A. Yes.</p> <p>7 Q. I'm now going to scroll through</p> <p>8 the 37 pages. To be clear, the green</p> <p>9 represents you and the white represents</p> <p>10 Leticia, each bubble; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Now, I'm showing you what your</p> <p>13 attorney has provided to us which are</p> <p>14 conversations between you and Leticia.</p> <p>15 Again, the text messages, did you have a</p> <p>16 chance to review the documents, those 11</p> <p>17 pages.</p> <p>18 A. Yes.</p> <p>19 Q. To the best of your knowledge,</p> <p>20 do the documents accurately represent the</p> <p>21 text messages that you have sent to Leticia</p> <p>22 and that you have received from Leticia?</p> <p>23 A. So far, to the best of my</p> <p>24 knowledge.</p> <p>25 Q. Did you have a chance to compare</p>	<p style="text-align: right;">Page 173</p> <p>1 Ishaque Thanwalla</p> <p>2 this with your phone?</p> <p>3 A. No.</p> <p>4 Q. On the next break, please take</p> <p>5 some time and compare it on your phone, and</p> <p>6 the question after the break will be: Does</p> <p>7 it accurately reflect what you see on your</p> <p>8 phone? I will also have some specific</p> <p>9 questions about this exhibit.</p> <p>10 A. Go right ahead.</p> <p>11 Q. We are now on page 6, and I am</p> <p>12 pointing to your attention to the text</p> <p>13 message from November 20th of 2018 at</p> <p>14 approximately 4:07 p.m.</p> <p>15 This is a text message from Leticia that</p> <p>16 says "I got to talk to you about something</p> <p>17 before it's blown up."</p> <p>18 Your response is "you and your blowup."</p> <p>19 Can you explain what you meant by that, if</p> <p>20 you know?</p> <p>21 A. Maybe she was talking to the</p> <p>22 customers unprofessionally.</p> <p>23 Q. Drawing your attention to the</p> <p>24 text message that is dated November 20th,</p> <p>25 2018 at 5:40 p.m. It says, from Leticia</p>

<p style="text-align: right;">Page 174</p> <p>1 Ishaque Thanwalla</p> <p>2 “can I go home I have really bad cramps and</p> <p>3 I can barely move why do you think I was</p> <p>4 sitting in the back all day?”</p> <p>5 Were you aware that Leticia at that time</p> <p>6 was pregnant?</p> <p>7 A. No.</p> <p>8 Q. Let's go now to page 8.</p> <p>9 A. Okay.</p> <p>10 Q. Turning your attention between</p> <p>11 pages seven and 8l.</p> <p>12 Obviously we see the paper</p> <p>13 format with the PDF in a black and white</p> <p>14 photo. My question for you is: do you have</p> <p>15 the actual video that is printed on the PDF?</p> <p>16 A. I don't think so. Everything is</p> <p>17 printed, the only thing we are looking at,</p> <p>18 that's what I have on my phone and I</p> <p>19 provided 100 percent of what is in my phone.</p> <p>20 100 percent, not 98 percent, 100 percent of</p> <p>21 what I have.</p> <p>22 Q. If you could just turn your</p> <p>23 attention to this video, 11-24-2018 at 5:47</p> <p>24 p.m., my question is quite simple: are you</p> <p>25 able to check on your phone and see an</p>	<p style="text-align: right;">Page 175</p> <p>1 Ishaque Thanwalla</p> <p>2 actual video or what is that?</p> <p>3 A. I can't answer that question,</p> <p>4 because I haven't looked at it. I gave them</p> <p>5 to my attorney and he downloaded everything</p> <p>6 and he gave it to you.</p> <p>7 MS. TROY: Mr. Kataev, it</p> <p>8 appears that this is the</p> <p>9 Decipher app, and it's a</p> <p>10 black and white photograph of</p> <p>11 the actual video. My</p> <p>12 question is, can you get me</p> <p>13 the actual video?</p> <p>14 MR. KATAEV: I will see, I</p> <p>15 will speak with my client and</p> <p>16 you can make a request in</p> <p>17 writing, please.</p> <p>18 Q. Do you have your phone with you,</p> <p>19 Mr. Thanwalla?</p> <p>20 A. Yes.</p> <p>21 Q. Can you check your November</p> <p>22 24th, 2018 conversation with Leticia</p> <p>23 Stidhum, and there was a video, to see if</p> <p>24 there is a video.</p> <p>25 MR. KATAEV: Let's go off</p>
<p style="text-align: right;">Page 176</p> <p>1 Ishaque Thanwalla</p> <p>2 the record.</p> <p>3 (A discussion was held off</p> <p>4 the record)</p> <p>5 Let the record reflect</p> <p>6 that I'm looking at November</p> <p>7 24th of 2018, message at 5:47</p> <p>8 p.m., and I'm looking at the</p> <p>9 image. I see that this is a</p> <p>10 picture, but there's no way</p> <p>11 to play a video. In fact, on</p> <p>12 the bottom I don't see it on</p> <p>13 here, on the bottom of this</p> <p>14 you can see there was like a</p> <p>15 timestamp, and there is a</p> <p>16 play button. When you press</p> <p>17 the play button, it's just an</p> <p>18 image, and it is not capable</p> <p>19 of being played back.</p> <p>20 MS TROY: If the image is</p> <p>21 black and white or in color -</p> <p>22 -</p> <p>23 MR. KATAEV: It's in</p> <p>24 color. I will reprint it in</p> <p>25 color and reproduce the color</p>	<p style="text-align: right;">Page 177</p> <p>1 Ishaque Thanwalla</p> <p>2 print. We ran out of toner</p> <p>3 and we could not print it.</p> <p>4 MS. TROY: That's fine.</p> <p>5 When you look on it, does it</p> <p>6 appear bigger or is it</p> <p>7 smaller?</p> <p>8 MR. KATAEV: It's bigger.</p> <p>9 THE WITNESS: It is bigger</p> <p>10 in the sense that you take</p> <p>11 the image, it takes up the</p> <p>12 full screen instead of just</p> <p>13 showing you a portion. It's a</p> <p>14 thumbnail, and --</p> <p>15 MS TROY: Can you provide</p> <p>16 the thumbnail to me?</p> <p>17 MR. KATAEV: No problem.</p> <p>18 MS. TROY: Just produce</p> <p>19 that to me at some point</p> <p>20 during this deposition.</p> <p>21 We're not going to waste any</p> <p>22 more time on this.</p> <p>23 MS. TROY: I'm going to</p> <p>24 ask you to print it out or</p> <p>25 send it to me, whichever.</p>

<p style="text-align: right;">Page 178</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. I'm now going to turn your</p> <p>3 attention to the message that follows here,</p> <p>4 this is the message from November 25th of</p> <p>5 2018 at 3:59 p.m. "I have so many solid</p> <p>6 deals and it's just taking so long for no</p> <p>7 reason."</p> <p>8 At that time first of all, to your</p> <p>9 knowledge, did you become aware of Leticia's</p> <p>10 pregnancy.?</p> <p>11 A. I can't recall. I don't think</p> <p>12 so, but I don't think she ever mentioned it,</p> <p>13 somebody else mentioned it to me.</p> <p>14 Q. At that time had Leticia already</p> <p>15 announced her pregnancy to either yourself</p> <p>16 or other individuals at Hillside Auto</p> <p>17 Outlet?</p> <p>18 A. I don't remember, nor can I say</p> <p>19 that she ever told me.</p> <p>20 Q. Now, we are on exhibit 5 and I</p> <p>21 will turn your attention to the message</p> <p>22 dated November 25th of 2018 at 4:00 p.m.</p> <p>23 A. Okay.</p> <p>24 Q. It says "okay I am not there at</p> <p>25 7:00 every dealership work except me." What</p>	<p style="text-align: right;">Page 179</p> <p>1 Ishaque Thanwalla</p> <p>2 did you mean by that?</p> <p>3 A. That I am not there at 7:00,</p> <p>4 every dealership -- I'm confused. This is</p> <p>5 Leticia writing -- no, it's --</p> <p>6 Q. Does this appear to be you</p> <p>7 writing to her?</p> <p>8 A. I have to see the whole thing</p> <p>9 for me to answer that question.</p> <p>10 Q. Then, on November 25th at 4:00</p> <p>11 p.m. it says "I have one 5,000 down QX60 the</p> <p>12 other 2000 down Laredo, all 600+ credit."</p> <p>13 A. Okay, I'm there.</p> <p>14 Q. Let me scroll up for you. This</p> <p>15 is the entire thread. Please read it and</p> <p>16 let me know when you are ready to answer my</p> <p>17 question.</p> <p>18 A. "Okay. I am not there at 7:00</p> <p>19 every dealership work except me." I don't</p> <p>20 write well, and maybe I was answering her</p> <p>21 differently. I am not there, and I said at</p> <p>22 7 o'clock. When I read, I don't read well,</p> <p>23 and you can see why I write very limited. I</p> <p>24 have -- I am dyslexic when I am writing.</p> <p>25 Q. Is it fair to say that the</p>
<p style="text-align: right;">Page 180</p> <p>1 Ishaque Thanwalla</p> <p>2 November 25th, 2018, 359 message from</p> <p>3 Leticia to you is a complaint?</p> <p>4 A. Where does it say "complaint?"</p> <p>5 Q. Sir, you can answer yes or no.</p> <p>6 A. I don't see a complaint at all,</p> <p>7 no.</p> <p>8 Q. Turning your attention again on</p> <p>9 page 8, November 25th, 2018 at 8:07 p.m.</p> <p>10 text message, Leticia writes "what's up I</p> <p>11 was in the shower when you called."</p> <p>12 THE REPORTER: I didn't</p> <p>13 hear that answer.</p> <p>14 MS. TROY: Can you repeat</p> <p>15 your answer?</p> <p>16 A. Can you repeat the question?</p> <p>17 (The reporter read back the last question)</p> <p>18 Q. Can you describe the text</p> <p>19 message for me, and then the court reporter</p> <p>20 can just take down his answer. I want him</p> <p>21 to read back the question.</p> <p>22 MR. KATAEV: I don't</p> <p>23 understand. Instead of</p> <p>24 having him redo his whole</p> <p>25 answer, have him continue</p>	<p style="text-align: right;">Page 181</p> <p>1 Ishaque Thanwalla</p> <p>2 answering.</p> <p>3 A. What? You didn't ask me a</p> <p>4 question.</p> <p>5 Q. Please relax, I will re-ask the</p> <p>6 question. We were talking about the text</p> <p>7 message at 8:07 p.m. My question is: is</p> <p>8 that when you usually called Leticia?</p> <p>9 A. Yes, if she had a customer that</p> <p>10 she was not there, she called and said that</p> <p>11 she would come in late, I would call to see</p> <p>12 what was going on with the customer so that</p> <p>13 I could handle the customer appropriately</p> <p>14 for her.</p> <p>15 She didn't lose her commission, I could</p> <p>16 help her make the deal, she would get paid.</p> <p>17 I was very generous with my employees, like</p> <p>18 I said.</p> <p>19 Q. Is it fair to say that you</p> <p>20 called Leticia more frequently than you</p> <p>21 texted her?</p> <p>22 A. I can't answer. I have called</p> <p>23 every employee if they are not there, if I</p> <p>24 have a customer, I call them, yes.</p> <p>25 Q. Earlier before we were cut off</p>

<p style="text-align: right;">Page 182</p> <p>1 Ishaque Thanwalla</p> <p>2 by your attorney, didn't you say that you</p> <p>3 called more frequently than you texted</p> <p>4 Leticia Stidhum?</p> <p>5 A. That is not -- I said that I</p> <p>6 called more frequently, everyone because I</p> <p>7 don't text well. You can see that I don't</p> <p>8 make sense on my own wording.</p> <p>9 Q. Turning to the bottom of page 8,</p> <p>10 the beginning of page 9 it is dated November</p> <p>11 28th of 2018 at 8:09 p.m. It says "the call</p> <p>12 keeps dropping. I am going to call him</p> <p>13 now."</p> <p>14 Is it fair to say that Leticia is</p> <p>15 working outside of business hours?</p> <p>16 A. If it's her customer and she is</p> <p>17 not at work, it's likely she did not show up</p> <p>18 to work, not her day off. If she could no</p> <p>19 longer show up, I would call her, to call</p> <p>20 the customer and she was supposed to be</p> <p>21 there, and I would say "you should show up</p> <p>22 too."</p> <p>23 Q. Is it fair to say that at the</p> <p>24 time when she texted you at 8:09 p.m.,</p> <p>25 during that time, that she called the</p>	<p style="text-align: right;">Page 183</p> <p>1 Ishaque Thanwalla</p> <p>2 customer, that it was after store hours?</p> <p>3 A. Because she probably was</p> <p>4 supposed to say that she is going to call</p> <p>5 him, probably confirming. It was probably</p> <p>6 that if she says that she was going to go</p> <p>7 home, it's a hard deal for her, why should</p> <p>8 she lose money if she was going to call her</p> <p>9 -- I probably said "call him to remind her,</p> <p>10 and there's nothing wrong with that. I am</p> <p>11 aggressive, and she is aggressive enough to</p> <p>12 make every deal. That's why I loved her,</p> <p>13 she was a very good salesperson.</p> <p>14 Q. You are emphasizing that she was</p> <p>15 a good salesperson as opposed to a good</p> <p>16 employee. To you, what is the difference?</p> <p>17 A. A good salesperson, she was my</p> <p>18 employee.</p> <p>19 Q. What part of the employee role</p> <p>20 did she play as a salesperson so that she</p> <p>21 was a great salesperson --</p> <p>22 A. Meaning that she was a good</p> <p>23 employee, simply put.</p> <p>24 Q. Let's take a look at the text</p> <p>25 message on page 9 where it is dated November</p>
<p style="text-align: right;">Page 184</p> <p>1 Ishaque Thanwalla</p> <p>2 30th, of 2018 at 3:17 p.m. Leticia says "I</p> <p>3 am really not feeling well I feel nauseous</p> <p>4 and I was trying to just hang out but I feel</p> <p>5 hot and I feel my stomach turning."</p> <p>6 Is it fair to say that at this time you</p> <p>7 knew about the pregnancy?</p> <p>8 A. Maybe not, I can't recall. If</p> <p>9 she was pregnant she would've texted someone</p> <p>10 anyway, and if I saw any sales, if I saw</p> <p>11 anything that's said that she was nauseous</p> <p>12 "I am pregnant," though I did not. Nowhere</p> <p>13 in her conversations have I ever seen her or</p> <p>14 seen any messages that show, it says "I am</p> <p>15 nauseous because I am pregnant." She is</p> <p>16 nauseous, and she has done that numerous</p> <p>17 times. I can't recall if she told me or she</p> <p>18 did not tell me whether she was pregnant.</p> <p>19 Q. She did not tell you in person</p> <p>20 that she was pregnant?</p> <p>21 A. I cannot recall that because I</p> <p>22 don't think so. I don't think she told me,</p> <p>23 but I got awareness of this from somebody</p> <p>24 else and I can't exactly recall it at this</p> <p>25 time who told me. Maybe her friend Joanna,</p>	<p style="text-align: right;">Page 185</p> <p>1 Ishaque Thanwalla</p> <p>2 but I don't know.</p> <p>3 Q. Please turn your attention to</p> <p>4 page 9, the text message dated December 3rd</p> <p>5 of 2018 at um 11:21 a.m. Then that shows</p> <p>6 your response at 11:22 a.m.</p> <p>7 A. Okay.</p> <p>8 Q. When you said that "in meeting</p> <p>9 be there in 2 hours," where were you</p> <p>10 meeting; was at Hillside Auto or somewhere</p> <p>11 else?</p> <p>12 A. Maybe a meeting with my</p> <p>13 partners.</p> <p>14 Q. By "partners," do you mean 3</p> <p>15 other individuals who you mentioned were</p> <p>16 also shareholders?</p> <p>17 A. Yes. Or, I could be in a</p> <p>18 meeting with -- someone for a personal</p> <p>19 meeting or maybe I am in a -- in my doctor's</p> <p>20 office. I can't answer that question</p> <p>21 exactly.</p> <p>22 Q. How often would you have</p> <p>23 meetings with your partners?</p> <p>24 A. Once or twice a month.</p> <p>25 Q. What would those meetings touch</p>

<p style="text-align: right;">Page 186</p> <p>1 Ishaque Thanwalla</p> <p>2 upon?</p> <p>3 A. Sales, how are we doing in</p> <p>4 sales, because it's my job to make sure that</p> <p>5 they are up-to-date about what is going on</p> <p>6 there and my business.</p> <p>7 Q. As the general manager, did you</p> <p>8 receive a salary?</p> <p>9 A. I received percentage, yes.</p> <p>10 Q. Meaning that you received a</p> <p>11 percentage of the profits; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Is that percentage the same or</p> <p>14 different from 25 percent?</p> <p>15 A. 25 percent is my partnership.</p> <p>16 Q. The question is how about for</p> <p>17 the profits?</p> <p>18 A. It's my percentage, it's my</p> <p>19 privacy not to answer that question,</p> <p>20 Emanuel.</p> <p>21 MR. KATAEV: We are going</p> <p>22 to object on the grounds of</p> <p>23 confidentiality under Rule</p> <p>24 30. The plaintiff has</p> <p>25 previously requested all</p>	<p style="text-align: right;">Page 187</p> <p>1 Ishaque Thanwalla</p> <p>2 matters of financial</p> <p>3 information, and the Judge</p> <p>4 refused to comply with the</p> <p>5 production of that</p> <p>6 information. So, I am</p> <p>7 directing the witness not to</p> <p>8 answer that question.</p> <p>9 MS. TROY: I am not asking</p> <p>10 for financial information. I</p> <p>11 am asking for the percentage</p> <p>12 of profits that were given to</p> <p>13 him. I am not asking about</p> <p>14 the sales at Hillside Auto.</p> <p>15 MR. KATAEV: Objection</p> <p>16 Asked and answered. You can</p> <p>17 answer as to the percentage.</p> <p>18 A. I can't recall what the</p> <p>19 percentage is, I was getting -- it's the</p> <p>20 same percentage that I was getting today,</p> <p>21 there is no difference between that day and</p> <p>22 today's date.</p> <p>23 Q. Turning your attention to the</p> <p>24 text message dated December 12th, 2018 at</p> <p>25 6:04 p.m.</p>
<p style="text-align: right;">Page 188</p> <p>1 Ishaque Thanwalla</p> <p>2 "I am really not feeling well. My</p> <p>3 stomach is turning and I feel extremely</p> <p>4 nauseous and I keep feeling like I need to</p> <p>5 puke I can't stay any longer I need to lay</p> <p>6 down."</p> <p>7 A. You can see in her question that</p> <p>8 she probably left because she is sitting</p> <p>9 right in front of my window. I said</p> <p>10 probably "go." But, anyway, you see no</p> <p>11 mention of pregnancy.</p> <p>12 Q. Is it fair to say that at that</p> <p>13 point you knew of Leticia's pregnancy?</p> <p>14 A. I cannot answer that question</p> <p>15 because I don't recall anything she is</p> <p>16 mentioning. If she would've mentioned it,</p> <p>17 she would've mentioned it in the text. You</p> <p>18 can see that she likes to turn everything --</p> <p>19 put everything in writing, and she should</p> <p>20 have mentioned something somewhere.</p> <p>21 You can see from page 1 to whatever the</p> <p>22 last page is, whatever you have 37 or 27,</p> <p>23 you don't see anywhere in her conversations</p> <p>24 that she is saying that she is pregnant.</p> <p>25 So, no, I did not know if she had mentioned</p>	<p style="text-align: right;">Page 189</p> <p>1 Ishaque Thanwalla</p> <p>2 it, I don't recall.</p> <p>3 Q. Is it your understanding, and</p> <p>4 don't take this the wrong way, but is it</p> <p>5 your understanding that a pregnant woman</p> <p>6 needs to remind you of her pregnancy through</p> <p>7 text?</p> <p>8 MR. KATAEV: Objection as</p> <p>9 to argumentative. You can</p> <p>10 answer the question.</p> <p>11 A. She at least one minute -- once</p> <p>12 she was pregnant, she never did say, so she</p> <p>13 didn't need to remind me. I don't think I</p> <p>14 remember her mentioning to me that she was</p> <p>15 pregnant.</p> <p>16 Q. Now let's turn our attention to</p> <p>17 page 10 and take a look at the text message</p> <p>18 dated December 12th, 2018 at 6:37 p.m.</p> <p>19 Please read it and let me know when you are</p> <p>20 done. Please read it to yourself.</p> <p>21 (The witness peruses).</p> <p>22 MR. KATAEV: The witness</p> <p>23 has requested that I read the</p> <p>24 message to him.</p> <p>25 (Mr. Kataev read the text</p>

<p style="text-align: right;">Page 190</p> <p>1 Ishaque Thanwalla</p> <p>2 message as requested to the</p> <p>3 witness)</p> <p>4 Q. There is also a text message on</p> <p>5 12-12- 2018 at 6:39 p.m.</p> <p>6 MR. KATAEV: Let the</p> <p>7 record reflect that I have</p> <p>8 read the first text message</p> <p>9 and let the record also</p> <p>10 reflect that I am now reading</p> <p>11 the second text message to</p> <p>12 the witness.</p> <p>13 A. I --</p> <p>14 MR. KATAEV: There is no</p> <p>15 question pending.</p> <p>16 (The attorney reads it to the</p> <p>17 witness.)</p> <p>18 Q. What is your response?</p> <p>19 A. Probably brought into my office</p> <p>20 and said that I wanted to talk to her about</p> <p>21 what seemed to be the trouble and then we</p> <p>22 communicated.</p> <p>23 Q. Do you recall what that</p> <p>24 conversation was like?</p> <p>25 A. I can't recall. The only thing I</p>	<p style="text-align: right;">Page 191</p> <p>1 Ishaque Thanwalla</p> <p>2 can see from the content is it says that the</p> <p>3 customer is rushing her, the customer or she</p> <p>4 is rushing the customer or the customer is</p> <p>5 rushing her. I said "slow down the</p> <p>6 customer." "If you want to make the deal,</p> <p>7 you have to slow down the customer." Then,</p> <p>8 I wanted her to make the deal, to slow the</p> <p>9 customer down and she said "no rush."</p> <p>10 Everything is okay. What happened, when you</p> <p>11 do it fast, you cut corners and you make</p> <p>12 mistakes.</p> <p>13 Maybe I brought her into my office and</p> <p>14 I told her, I disciplined her, like I</p> <p>15 mentioned maybe one or two times I guess</p> <p>16 that was one of the times that I disciplined</p> <p>17 her. I told her "you need to slow down the</p> <p>18 customer, slow down yourself to make it the</p> <p>19 right way of making the deal instead of</p> <p>20 losing a deal."</p> <p>21 Q. Is it correct that the</p> <p>22 particular deal that was referenced in the</p> <p>23 first text message went through?</p> <p>24 A. Yes. I read that because I</p> <p>25 disciplined her and told her to slow down</p>
<p style="text-align: right;">Page 192</p> <p>1 Ishaque Thanwalla</p> <p>2 the customer.</p> <p>3 Q. To your knowledge, did that</p> <p>4 happen before or after the pregnancy</p> <p>5 announcement, the alleged pregnancy</p> <p>6 announcement?</p> <p>7 A. I don't recall her pregnancy</p> <p>8 announcement, so I can't allege anything.</p> <p>9 Q. Besides telling her to slow the</p> <p>10 customer down, do you recall what else was</p> <p>11 said during that night on December 12th,</p> <p>12 2018?</p> <p>13 A. I don't recall.</p> <p>14 Q. Turning your attention now to</p> <p>15 the text message dated January 7th of 2019</p> <p>16 at 4:13 p.m. Leticia writes "I left for the</p> <p>17 day tomorrow we need to talk because this</p> <p>18 place has been a shit show since you left."</p> <p>19 Your response to her at 10:17 a.m. which is</p> <p>20 on page 10 continuing onto page 11 is</p> <p>21 "okay."</p> <p>22 A. She asked me a question on the</p> <p>23 7th, and I was probably into the flight or</p> <p>24 getting out of the flight. When you come</p> <p>25 off of a 24-hour long flight, you sleep.</p>	<p style="text-align: right;">Page 193</p> <p>1 Ishaque Thanwalla</p> <p>2 You have jet lag, maybe my phone was shut</p> <p>3 off. And I can't answer that, I can't</p> <p>4 recall everything.</p> <p>5 Q. Let's scroll down now to page</p> <p>6 11. I'm going to now draw your attention to</p> <p>7 the text message from January 10th, 2019 at</p> <p>8 1:24 p.m. Please read it and let me know</p> <p>9 when you are finished reading it.</p> <p>10 (The witness peruses and</p> <p>11 says, "she's telling me that</p> <p>12 she threw up and she can't</p> <p>13 take the pressure in the car</p> <p>14 business")</p> <p>15 MS. TROY: Please read</p> <p>16 back the question again.</p> <p>17 (The reporter read back the</p> <p>18 last question.)</p> <p>19 A. Okay.</p> <p>20 Q. Now that you have finished</p> <p>21 reading it --</p> <p>22 MR. KATAEV: Do not</p> <p>23 interrupt me.</p> <p>24 MS. TROY: What did you</p> <p>25 say to the witness?</p>

<p style="text-align: right;">Page 194</p> <p>1 Ishaque Thanwalla</p> <p>2 MR. KATAEV: Please let</p> <p>3 the record reflect that my</p> <p>4 instruction to the witness</p> <p>5 was to listen to the</p> <p>6 question, and if a question</p> <p>7 is pending, to answer that</p> <p>8 question. If there is no</p> <p>9 question, there is nothing to</p> <p>10 be said. Please proceed.</p> <p>11 Q. The question is: when you</p> <p>12 received this text message from Leticia,</p> <p>13 were you aware of her pregnancy?</p> <p>14 A. Like I said, I can't recall</p> <p>15 that, I can't answer that question. Nowhere</p> <p>16 in that is mentioned that she was pregnant.</p> <p>17 Maybe she mentioned it to me, and it went in</p> <p>18 one ear and came out the other. She was</p> <p>19 probably talking while she was pregnant to</p> <p>20 me, maybe I was really busy doing something</p> <p>21 else when she mentioned it to me. I can't</p> <p>22 answer that question.</p> <p>23 Q. Please read the text message</p> <p>24 from January 17th, of 2019 at 8:27 p.m. and</p> <p>25 let me know when you are done.</p>	<p style="text-align: right;">Page 195</p> <p>1 Ishaque Thanwalla</p> <p>2 A. You want me to read it?</p> <p>3 Q. You can read it to yourself.</p> <p>4 A. What was the question?</p> <p>5 Q. Let me know when you are done</p> <p>6 and I will ask you a question.</p> <p>7 MR. KATAEV: Please read</p> <p>8 it and tell her when you are</p> <p>9 done reading it.</p> <p>10 THE WITNESS: Okay, I read</p> <p>11 it. What's your question?</p> <p>12 Q. Was that a complaint for \$100 in</p> <p>13 old wages?</p> <p>14 MR. KATAEV: Objection.</p> <p>15 It assumes facts not in</p> <p>16 evidence. You can answer.</p> <p>17 A. Let me answer a complete answer.</p> <p>18 We never hold a week's pay to begin with,</p> <p>19 and according to my records, she left on the</p> <p>20 10th. Yes, it shows the date of the last</p> <p>21 pay date was the 14th on ADP records,</p> <p>22 according to my records, she left on the</p> <p>23 10th and there was \$300 salary that she was</p> <p>24 supposed to get for the whole three. She</p> <p>25 did not work the whole week, so there was</p>
<p style="text-align: right;">Page 196</p> <p>1 Ishaque Thanwalla</p> <p>2 \$100 short on her pay because we had an</p> <p>3 employee that said how many days, they</p> <p>4 worked and how much pay she was supposed to</p> <p>5 get. Based on that, it shows in her own</p> <p>6 writing on my text message that we only took</p> <p>7 \$100 owed to her, a hundred back and we did</p> <p>8 not. Does that answer your question?</p> <p>9 Q. Please read the message from</p> <p>10 January 17th of 2018 at 8:30 p.m. and let me</p> <p>11 know when you are done.</p> <p>12 (The witness peruses).</p> <p>13 A. Okay. It can't be -- it looks</p> <p>14 like somebody coached her, it wasn't 1-17 at</p> <p>15 8:30 p.m. She bought a car for me, not</p> <p>16 herself, her grandmother bought a car. She</p> <p>17 did not give me the complete documents. We</p> <p>18 didn't make any money because she didn't</p> <p>19 give me any down payment. She gave a down</p> <p>20 payment, but not a complete down payment,</p> <p>21 that's what I meant. So, it looks like</p> <p>22 somebody coached her, 60 hours and 7 days?</p> <p>23 Whatever you can see, how many days she</p> <p>24 called in sick or left early and had her</p> <p>25 days off.</p>	<p style="text-align: right;">Page 197</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. Is it true that on days that she</p> <p>3 would take off, she would make them up?</p> <p>4 A. I can't recall, she hardly did.</p> <p>5 Q. In other words, the question is,</p> <p>6 if she took off for a day, would she make it</p> <p>7 up on her free days and come to work at</p> <p>8 Hillside Auto Outlet?</p> <p>9 A. She worked 7 days, which she</p> <p>10 never did, she said she worked 7 days, but</p> <p>11 she worked five days a week. Sometimes she</p> <p>12 came to deliver a car to a customer, that</p> <p>13 was on her prerogative because she was a</p> <p>14 commissioned salesperson.</p> <p>15 Q. To be clear, the text message</p> <p>16 that you are looking at does not say for</p> <p>17 "seven days," it says "for seven months."</p> <p>18 A. Whatever. I told you that I am</p> <p>19 dyslexic when I read.</p> <p>20 Q. That's okay. We will either</p> <p>21 have myself or Emanuel read it out for you,</p> <p>22 how about that?</p> <p>23 A. Okay.</p> <p>24 Q. I'm going to show you</p> <p>25 Plaintiff's Exhibit 7 which is the Decipher</p>

<p style="text-align: right;">Page 198</p> <p>1 Ishaque Thanwalla</p> <p>2 chat conversation with Ali. First, can you</p> <p>3 tell me, to the best of your knowledge if</p> <p>4 this comports with your understanding in</p> <p>5 terms of it being an accurate representation</p> <p>6 of the WhatsApp conversation you've had with</p> <p>7 Ali?</p> <p>8 A. Yes.</p> <p>9 Q. I'm going to show you</p> <p>10 Plaintiff's Exhibit 7 which is the Decipher</p> <p>11 chat conversation with Ali. First, can you</p> <p>12 tell me to the best of your knowledge, if</p> <p>13 this comports with your understanding in</p> <p>14 terms of it being an accurate representation</p> <p>15 of the WhatsApp conversation you had with</p> <p>16 Ali?</p> <p>17 A. Yes.</p> <p>18 Q. If you turn your attention to</p> <p>19 this specific exchange, and I will read it</p> <p>20 for you, this is from December 27th of 2018</p> <p>21 at 11:05 a.m. Ali texted "your baby is</p> <p>22 having a daughter," with two emojis. Then,</p> <p>23 you text him back "which one?" Then, he</p> <p>24 texted you at 12:13 p.m. on 12-27 saying</p> <p>25 "Leticia." You texted him back saying "I</p>	<p style="text-align: right;">Page 199</p> <p>1 Ishaque Thanwalla</p> <p>2 know."</p> <p>3 Do you recall this exchange having</p> <p>4 happened, and it's a yes or no question?</p> <p>5 A. Yes. May I give you a complete</p> <p>6 answer?</p> <p>7 MR. KATAEV: Yes, you may</p> <p>8 go ahead.</p> <p>9 MS. TROY: It is --.</p> <p>10 MR. KATAEV: He wants to</p> <p>11 complete his answer.</p> <p>12 MS. TROY: It's a yes or</p> <p>13 no question. He completed his</p> <p>14 answer.</p> <p>15 MR. KATAEV: The answer is</p> <p>16 not a yes or no.</p> <p>17 MS. TROY: You can follow</p> <p>18 up with your direct.</p> <p>19 THE WITNESS: My complete</p> <p>20 answer would be --</p> <p>21 MS. TROY: Fine, go ahead.</p> <p>22 A. (Continuing) My complete answer.</p> <p>23 I told you that somebody mentioned that she</p> <p>24 was on the call and said "your daughter is</p> <p>25 pregnant." Yes, at that time and then I</p>
<p style="text-align: right;">Page 200</p> <p>1 Ishaque Thanwalla</p> <p>2 probably followed up with it.</p> <p>3 MS. TROY: I appreciate</p> <p>4 that additional content.</p> <p>5 Just so that we are clear, it</p> <p>6 is a courtesy to let you add</p> <p>7 whatever you want to add. If</p> <p>8 it's a yes or no question, it</p> <p>9 is complete when you say "yes</p> <p>10 or no," anyway. It's not that</p> <p>11 big of a deal. Let's take a</p> <p>12 look now at Plaintiff's</p> <p>13 Exhibit 6.</p> <p>14 This one is the WhatsApp conversation</p> <p>15 you've had with Leticia. Can you just</p> <p>16 confirm to the best of your knowledge if it</p> <p>17 comports with your understanding that it is</p> <p>18 true and accurate copy of your conversations</p> <p>19 with Leticia on WhatsApp before the 4 pages?</p> <p>20 A. Four pages? Correct.</p> <p>21 MS. TROY: I believe your</p> <p>22 attorney will read it and I</p> <p>23 will scroll through it.</p> <p>24 MR. KATAEV: That will</p> <p>25 help him answer the question,</p>	<p style="text-align: right;">Page 201</p> <p>1 Ishaque Thanwalla</p> <p>2 he has four pages in front of</p> <p>3 him.</p> <p>4 Please take a look through</p> <p>5 the whole thing and see if it</p> <p>6 is comports with your</p> <p>7 conversation.</p> <p>8 (The witness complies and</p> <p>9 peruses)</p> <p>10 THE WITNESS: Nothing.</p> <p>11 MR. KATAEV: I said that</p> <p>12 the witness is reviewing a</p> <p>13 hard copy of the exhibit.</p> <p>14 Q. The question that is pending is</p> <p>15 whether, to your understanding, this is an</p> <p>16 accurate and complete representation?</p> <p>17 A. As to my ability, yes.</p> <p>18 Q. The question is whether it's an</p> <p>19 accurate and complete representation of the</p> <p>20 WhatsApp conversation that you had on your</p> <p>21 phone.</p> <p>22 A. To the best of my ability, yes.</p> <p>23 Q. Is it fair to say that you and</p> <p>24 Leticia have the WhatsApp conversation</p> <p>25 because you were in Pakistan?</p>

<p style="text-align: right;">Page 202</p> <p>1 Ishaque Thanwalla</p> <p>2 A. I would say yes, I guess</p> <p>3 December 20th.</p> <p>4 Q. I am now going to turn your</p> <p>5 attention to page 2, specifically to the</p> <p>6 text message that is from December 27th of</p> <p>7 2018 at 8:30 p.m. If you want, you can have</p> <p>8 your attorney read it for you also as well.</p> <p>9 THE WITNESS: Emanuel?</p> <p>10 MR. KATAEV: Let the</p> <p>11 record reflect that I am</p> <p>12 reading this message to the</p> <p>13 witness.</p> <p>14 MS. TROY: It's not this</p> <p>15 part, it's the highlighted</p> <p>16 part.</p> <p>17 MR. KATAEV: Let the</p> <p>18 record reflect that I will be</p> <p>19 reading the message time</p> <p>20 stamped at 8:30 and 8:32 p.m.</p> <p>21 to the witness, to Ishaque.</p> <p>22 (The attorney complies)</p> <p>23 Q. The question for you is: does</p> <p>24 this refresh your recollection about</p> <p>25 Guzman's treatment of Leticia while you were</p>	<p style="text-align: right;">Page 203</p> <p>1 Ishaque Thanwalla</p> <p>2 out?</p> <p>3 A. This is a conversation about</p> <p>4 Leticia, this is Leticia because Guzman,</p> <p>5 there is no conversation that Leticia had a</p> <p>6 problem with Guzman. It looks like he was</p> <p>7 talking about David, like she was</p> <p>8 complaining about that.</p> <p>9 Q. The question for you is: does</p> <p>10 this refresh your recollection about</p> <p>11 Guzman's treatment of Leticia while you are</p> <p>12 out?</p> <p>13 A. There is no conversation about</p> <p>14 Leticia. This is Leticia, previously,</p> <p>15 because Guzman, there is no conversation</p> <p>16 that Leticia had a problem with Guzman.</p> <p>17 It's David, it looks like she talked about</p> <p>18 David, like she's complaining about this.</p> <p>19 About why Guzman took the Range Rover, and</p> <p>20 maybe she didn't like that, that Guzman --</p> <p>21 since Ali started, they probably -- I can't</p> <p>22 answer that question. Ali probably changed</p> <p>23 her mind now and she is again Guzman, she</p> <p>24 doesn't like that, and that is Guzman is</p> <p>25 trying to do his job, it looks like that to</p>
<p style="text-align: right;">Page 204</p> <p>1 Ishaque Thanwalla</p> <p>2 me because the one who had gotten the paper,</p> <p>3 Ali should have gone and given it in order</p> <p>4 for him, because he had seniority. He's</p> <p>5 trying to get everything organized and Ali</p> <p>6 is sitting and she is just complaining.</p> <p>7 That's what I understand in this message.</p> <p>8 Q. When you received this message,</p> <p>9 did you respond or call Leticia?</p> <p>10 A. I have no idea. I can't recall.</p> <p>11 Q. If you did call her, would it be</p> <p>12 reflected on the WhatsApp?</p> <p>13 A. Yes, the chat room. I don't</p> <p>14 know if I called her because I was back home</p> <p>15 and I probably didn't even see this message</p> <p>16 until a day later. I can't answer that</p> <p>17 question.</p> <p>18 Q. Is it fair to say that this text</p> <p>19 message that was just read aloud to you did</p> <p>20 not just concern David but it concerned the</p> <p>21 deal that Leticia had as well?</p> <p>22 MR. KATAEV: Objection.</p> <p>23 You can answer.</p> <p>24 A. Does not look like it, it was</p> <p>25 David's deal and he was trying to do the DMV</p>	<p style="text-align: right;">Page 205</p> <p>1 Ishaque Thanwalla</p> <p>2 and the DMV takes time, as I mentioned</p> <p>3 previously to you. Then, they ran the</p> <p>4 Carfax and I don't know what you call that</p> <p>5 paper. There is a lot addressed like I</p> <p>6 said, nothing goes perfectly. If you have</p> <p>7 an internet, is if it's not up or it's slow,</p> <p>8 maybe the DMV internet is down. Happens all</p> <p>9 the time.</p> <p>10 Q. Did David Enrique from time to</p> <p>11 time partner with Leticia?</p> <p>12 A. Sure, they went out and smoked</p> <p>13 weed all the time. That's the problem that I</p> <p>14 had with --</p> <p>15 Q. I don't mean partner in that</p> <p>16 sense but I appreciate your answer.</p> <p>17 Let's backtrack for a second, and when</p> <p>18 the deposition is over and then after the</p> <p>19 case is over, then we can talk about</p> <p>20 whatever you want to talk about.</p> <p>21 Right now, please focus on the question.</p> <p>22 I mean partner in the sense of was he ever</p> <p>23 partnered with Leticia in terms of any car</p> <p>24 sales at Hillside Auto Outlet during her</p> <p>25 employment with Hillside Auto Outlet?</p>

<p style="text-align: right;">Page 206</p> <p>1 Ishaque Thanwalla</p> <p>2 A. Let me understand this</p> <p>3 correctly. You are telling me that Leticia</p> <p>4 would give half of her commission to David,</p> <p>5 is that what you are asking me?</p> <p>6 Q. No. I'm not asking you that.</p> <p>7 I'm asking you, were there times when two</p> <p>8 car salesmen would partner to sell a car;</p> <p>9 it's a yes or no question.</p> <p>10 A. It's not a yes or no question.</p> <p>11 No, they would not partner up, sometimes on</p> <p>12 occasion Leticia would give a complete</p> <p>13 answer and sometimes in the situation, they</p> <p>14 would deliver, Leticia's car and Leticia</p> <p>15 would deliver David's car on his days off or</p> <p>16 on her days off. They would do each other a</p> <p>17 favor, not partner-up, they would do each</p> <p>18 other a favor.</p> <p>19 Q. Let's focus then on the part of</p> <p>20 the text message where it says "I got this</p> <p>21 customer looking to pay cash for the number</p> <p>22 4 Carfax and we have no paper."</p> <p>23 Is it accurate to say that you</p> <p>24 understood that portion of the text message</p> <p>25 when you received it to be that Leticia had</p>	<p style="text-align: right;">Page 207</p> <p>1 Ishaque Thanwalla</p> <p>2 her own customer that was looking to pay</p> <p>3 cash; it's a yes or no question?</p> <p>4 A. It's not a yes or no question.</p> <p>5 We may have ran (sic) out of paper and</p> <p>6 Leticia was the salesperson she could have</p> <p>7 opened the screen and showed the Carfax on</p> <p>8 the computer screen and showed it to let the</p> <p>9 customer see it while the customer was</p> <p>10 looking at it. Somebody could have gone and</p> <p>11 gotten the paper. It appears that the</p> <p>12 customer had to go out and get the paper.</p> <p>13 Q. When you talked about</p> <p>14 partnering, was there a time when Leticia</p> <p>15 would run the credit or David would run the</p> <p>16 credit?</p> <p>17 A. How can they run the credit when</p> <p>18 they had no access to run the credit, nor</p> <p>19 was she authorized to run the credit? It is</p> <p>20 the manager's job, management's job which is</p> <p>21 Guzman and Ali. Supposing if we could show</p> <p>22 that Leticia did run the credit for David,</p> <p>23 it's the customer I guess.</p> <p>24 Q. Is it fair to say that on</p> <p>25 December 27th of 2018 you were not in the</p>
<p style="text-align: right;">Page 208</p> <p>1 Ishaque Thanwalla</p> <p>2 country?</p> <p>3 A. What?</p> <p>4 Q. In 2018, December 27th of 2018,</p> <p>5 the same date as the text message.</p> <p>6 A. Yes, I wasn't in the country.</p> <p>7 Q. Is it fair to say that David</p> <p>8 could not have run his own credit without</p> <p>9 the help of Guzman or some other individual</p> <p>10 who had the authority to access the</p> <p>11 DealerTrak system?</p> <p>12 A. Your question is could David</p> <p>13 have run his credit? David could never run</p> <p>14 a customer's credit, nor could Leticia, nor</p> <p>15 could any other sales person could run a</p> <p>16 credit. It is the manager's job, and I</p> <p>17 would have more than two available -- if</p> <p>18 they are not available, I'm going to take</p> <p>19 the name Ali and Guzman. If they're both</p> <p>20 busy or somehow for any reason, there is no</p> <p>21 finance manager, they would have the</p> <p>22 authority to do that. Does that answer your</p> <p>23 question?</p> <p>24 MR. KATAEV: Let's go off</p> <p>25 the record.</p>	<p style="text-align: right;">Page 209</p> <p>1 Ishaque Thanwalla</p> <p>2 (A discussion was held off</p> <p>3 the record).</p> <p>4 We are back on the record</p> <p>5 at 4:39 p.m.</p> <p>6 Q. Let's mark. Plaintiff's Exhibit</p> <p>7 8.</p> <p>8 (Plaintiff's exhibit 8 marked</p> <p>9 for identification)</p> <p>10 MS. TROY: Plaintiff's</p> <p>11 Exhibit 8 will be the</p> <p>12 Verification of Ishaque</p> <p>13 Thanwalla.</p> <p>14 Q. I am going to show it on the</p> <p>15 screen, Plaintiff's 8 for identification.</p> <p>16 MR. KATAEV: I'm going to</p> <p>17 print it.</p> <p>18 MS. TROY: While you are</p> <p>19 at it, you might as well</p> <p>20 print the other stuff as</p> <p>21 well. The responses to the</p> <p>22 document request.</p> <p>23 MR. KATAEV: Okay.</p> <p>24 MS. TROY: Let's mark</p> <p>25 plaintiff's 9 and 10 as well.</p>

<p style="text-align: right;">Page 210</p> <p>1 Ishaque Thanwalla</p> <p>2 (Plaintiff's Exhibit 9 and 10</p> <p>3 marked for identification)</p> <p>4 MS. TROY: Plaintiff's 9</p> <p>5 is the Verified Response to</p> <p>6 Interrogatories, the regular</p> <p>7 Interrogatories. Plaintiff's</p> <p>8 10 is the final Supplemental</p> <p>9 Responses.</p> <p>10 Q. While your attorney is doing</p> <p>11 that, I'm just going to ask you some other</p> <p>12 questions about Serge meaning Serge Zanan,</p> <p>13 correct?</p> <p>14 A. Yes, something like that.</p> <p>15 Q. Back on Plaintiff's Exhibit 2,</p> <p>16 this is the Declaration of Serge Zanan,</p> <p>17 plaintiffs 2 and then on page 72, which is</p> <p>18 the same as defendant's document production</p> <p>19 72.</p> <p>20 I'm going to ask you to read paragraph</p> <p>21 one and ask you if this refreshes your</p> <p>22 recollection as to when he started working</p> <p>23 at Hillside Auto Outlet.</p> <p>24 MR. KATAEV: Just for the</p> <p>25 record, I printed this and</p>	<p style="text-align: right;">Page 211</p> <p>1 Ishaque Thanwalla</p> <p>2 I'm going to give all of this</p> <p>3 to the witness so that he has</p> <p>4 the full set so that he can</p> <p>5 read the whole thing.</p> <p>6 Let the record reflect</p> <p>7 that I have given the witness</p> <p>8 the Declaration of Serge</p> <p>9 Zanan, and I'm asking if he</p> <p>10 could read the whole thing.</p> <p>11 MS. TROY: Let me know</p> <p>12 when you are done reading it.</p> <p>13 (The witness peruses)</p> <p>14 MR. KATAEV: I'm</p> <p>15 confirming to him to read</p> <p>16 everything that is stapled</p> <p>17 here, all 4 of the boxes to</p> <p>18 the Interrogatories and</p> <p>19 document requests are in</p> <p>20 front of the witness.</p> <p>21 Do you want to repeat your</p> <p>22 question? What was your</p> <p>23 question?</p> <p>24 Q. My question is, however,</p> <p>25 paragraph 1 of the Declaration, does it</p>
<p style="text-align: right;">Page 212</p> <p>1 Ishaque Thanwalla</p> <p>2 refresh your recollection as to when Serge</p> <p>3 started to work at Hillside Auto was at the</p> <p>4 end of 2018?</p> <p>5 A. Probably started in 2018.</p> <p>6 Q. Is that accurate to the best of</p> <p>7 your knowledge?</p> <p>8 A. I can't answer, but it says so,</p> <p>9 maybe it's accurate.</p> <p>10 Q. Was he a finance manager or a</p> <p>11 finance and insurance representative?</p> <p>12 A. The finance manager which we</p> <p>13 call finance and insurance because they do</p> <p>14 sell warranties and that is why they call it</p> <p>15 "finance and insurance."</p> <p>16 Q. So, finance and insurance</p> <p>17 representative is the same as a finance</p> <p>18 manager or is it different?</p> <p>19 A. Yes, the same.</p> <p>20 Q. When was your last contact with</p> <p>21 Guzman?</p> <p>22 A. A couple of weeks ago.</p> <p>23 Q. During that contact, did you</p> <p>24 talk at all about this case, the present</p> <p>25 case?</p>	<p style="text-align: right;">Page 213</p> <p>1 Ishaque Thanwalla</p> <p>2 MR. KATAEV: Objection</p> <p>3 based on attorney/client</p> <p>4 privilege.</p> <p>5 MS. TROY: How is it</p> <p>6 attorney/client privilege if</p> <p>7 it is between him and Andris</p> <p>8 Guzman?</p> <p>9 MR. KATAEV: He learned --</p> <p>10 if you didn't interrupt, you</p> <p>11 would've heard me say that I</p> <p>12 was present during that</p> <p>13 conversation. I am</p> <p>14 instructing the witness not</p> <p>15 to answer that question.</p> <p>16 Please proceed.</p> <p>17 Q. When was the last contact you</p> <p>18 had with Andris Guzman without your attorney</p> <p>19 being present?</p> <p>20 A. Without my attorney being</p> <p>21 present? I didn't have any -- I didn't have</p> <p>22 any contact with him in a long time.</p> <p>23 Q. How about with Ronald M. Baron?</p> <p>24 A. A year-and-a-half ago or a year</p> <p>25 ago.</p>

<p style="text-align: right;">Page 214</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. How about Jory Baron?</p> <p>3 A. I saw him about two or three</p> <p>4 weeks ago.</p> <p>5 Q. Was that in the presence of your</p> <p>6 attorney or outside the presence of your</p> <p>7 attorney?</p> <p>8 A. He is my partner.</p> <p>9 Q. The question is yes or no, was</p> <p>10 it with your attorney or not with your</p> <p>11 attorney?</p> <p>12 A. Not with my attorney, not with</p> <p>13 Jory.</p> <p>14 Q. What did you talk to him about?</p> <p>15 MR. KATAEV: Objection,</p> <p>16 asserting a common interest</p> <p>17 prejudice objection. Jory</p> <p>18 Baron is one of the</p> <p>19 witnesses, one of the</p> <p>20 defendants in this case, and</p> <p>21 if you discussed anything</p> <p>22 about this case I am</p> <p>23 instructing the witness not</p> <p>24 to answer that question.</p> <p>25 MS. TROY: You can answer</p>	<p style="text-align: right;">Page 215</p> <p>1 Ishaque Thanwalla</p> <p>2 that question subject to that</p> <p>3 objection.</p> <p>4 MR. KATAEV: In other</p> <p>5 words, if you talked about</p> <p>6 this case, don't answer. If</p> <p>7 you talked about something</p> <p>8 else, you can answer.</p> <p>9 A. We talked about something else,</p> <p>10 we did not talk about this case.</p> <p>11 Q. What did you talk about?</p> <p>12 A. Business.</p> <p>13 Q. When you say "business," do you</p> <p>14 mean Hillside Auto Outlet specifically?</p> <p>15 A. Correct. That is the only</p> <p>16 business he owns with me.</p> <p>17 Q. I'm showing you on the screen</p> <p>18 the Verification to the Interrogatories, the</p> <p>19 Supplemental Interrogatories which your</p> <p>20 attorney has printed for you. Let me know</p> <p>21 when to scroll down, it is one page.</p> <p>22 (The witness peruses)</p> <p>23 THE WITNESS: Okay.</p> <p>24 Please back up a little bit.</p> <p>25 MS. TROY: Okay.</p>
<p style="text-align: right;">Page 216</p> <p>1 Ishaque Thanwalla</p> <p>2 THE WITNESS: That is</p> <p>3 good.</p> <p>4 Q. The question I have for you is:</p> <p>5 do you recognize your signature?</p> <p>6 A. Yes.</p> <p>7 Q. To the best of your knowledge,</p> <p>8 is everything contained in the</p> <p>9 Interrogatories and the Supplemental</p> <p>10 Interrogatories correct and true?</p> <p>11 A. Yes.</p> <p>12 Q. When was this document signed?</p> <p>13 A. I don't remember the date. It</p> <p>14 says "February of 2023."</p> <p>15 MR. KATAEV: I will make</p> <p>16 the representation that it</p> <p>17 was on the same day that you</p> <p>18 received it.</p> <p>19 Q. Prior to signing it, did you</p> <p>20 review the Interrogatory Responses?</p> <p>21 A. Yes.</p> <p>22 Q. Did you have a conversation with</p> <p>23 Deana Jennings?</p> <p>24 A. Right.</p> <p>25 Q. Did you have a conversation with</p>	<p style="text-align: right;">Page 217</p> <p>1 Ishaque Thanwalla</p> <p>2 her?</p> <p>3 A. Yes.</p> <p>4 Q. How long was that conversation?</p> <p>5 A. I can't recall.</p> <p>6 Q. When did that conversation take</p> <p>7 place?</p> <p>8 A. I don't remember her ever asking</p> <p>9 me to have a conversation.</p> <p>10 Q. I understand that your attorney</p> <p>11 asked you to have the conversation. My</p> <p>12 question is when?</p> <p>13 A. Before signing of the paper.</p> <p>14 Q. You had the conversation with</p> <p>15 whom, with your attorney or with Deana</p> <p>16 Jennings?</p> <p>17 A. Your question was about</p> <p>18 conversations with Deana Jennings and I said</p> <p>19 "yes."</p> <p>20 Q. You had a conversation with her</p> <p>21 right before you signed or when?</p> <p>22 A. Right before.</p> <p>23 Q. What was the content of that</p> <p>24 conversation?</p> <p>25 MR. KATAEV: Objection.</p>

<p style="text-align: right;">Page 218</p> <p>1 Ishaque Thanwalla</p> <p>2 Based on the same objection,</p> <p>3 the common interest privilege</p> <p>4 objection. To the extent</p> <p>5 that you and Deana Jennings</p> <p>6 discussed this case, I</p> <p>7 instruct you not to answer</p> <p>8 the question. If you</p> <p>9 discussed something else, you</p> <p>10 may answer.</p> <p>11 A. We discussed the case.</p> <p>12 Q. Is it fair to say that any of</p> <p>13 the Responses pertaining to Hillside Auto</p> <p>14 Mall that you don't have personal knowledge</p> <p>15 about that?</p> <p>16 A. This is a separate company, I am</p> <p>17 not part of Hillside Auto Mall. So I don't</p> <p>18 know what goes on there, it's not my</p> <p>19 business.</p> <p>20 Q. I understand that your</p> <p>21 Interrogatories had information about</p> <p>22 Hillside Auto Mall. My question is: to the</p> <p>23 extent that your answers included</p> <p>24 information about Hillside Auto Mall, are</p> <p>25 you saying that you did not have personal</p>	<p style="text-align: right;">Page 219</p> <p>1 Ishaque Thanwalla</p> <p>2 knowledge with respect to those?</p> <p>3 A. I have no interest in Hillside</p> <p>4 Auto Mall, so I had no conversations on</p> <p>5 Hillside Auto Mall. My business is Hillside</p> <p>6 Auto Outlet. Anything pertaining to</p> <p>7 Hillside Outlet is part of my answer.</p> <p>8 Q. Who is Susan Zhivo Z-H-I-V-O.</p> <p>9 A. She is my controller.</p> <p>10 Q. Susan Zhivo Z-H-I-V-O, is that</p> <p>11 the Susan that you mentioned earlier that</p> <p>12 you didn't remember her last name?</p> <p>13 A. Yes. I call her Susan "Z."</p> <p>14 Q. Besides yourself, are there any</p> <p>15 other individuals who are responsible for</p> <p>16 determining the pay and the hours of</p> <p>17 Hillside Auto employees?</p> <p>18 A. Hillside Auto or Hillside</p> <p>19 Outlet?</p> <p>20 Q. We can do Hillside Auto Outlet</p> <p>21 employees.</p> <p>22 A. Okay, what was your question</p> <p>23 again?</p> <p>24 Q. Besides yourself, was anyone</p> <p>25 else responsible for determining</p>
<p style="text-align: right;">Page 220</p> <p>1 Ishaque Thanwalla</p> <p>2 compensation or hours?</p> <p>3 MR. KATAEV: At Hillside</p> <p>4 Auto Outlet?</p> <p>5 MS. TROY: We can start</p> <p>6 from there.</p> <p>7 A. Hillside Auto Outlet, Susan is</p> <p>8 my controller and she does the payroll.</p> <p>9 Then, before Susan it was Deana and before</p> <p>10 Susan, Deana Jennings, yes.</p> <p>11 Q. During the plaintiff's</p> <p>12 employment with Hillside Auto Outlet, you</p> <p>13 were saying that in addition to yourself,</p> <p>14 Deana and Jeanique also determined the</p> <p>15 compensation and hours?</p> <p>16 A. And Asha A-S-H-A as well.</p> <p>17 Q. Asha is the assistant office</p> <p>18 manager, right?</p> <p>19 A. Correct.</p> <p>20 Q. In terms of the amount of time</p> <p>21 it takes for Hillside Auto salespeople to</p> <p>22 hear back from the lender once an</p> <p>23 application was submitted, how long would</p> <p>24 that timeframe be?</p> <p>25 A. Now you are questioning -- it's</p>	<p style="text-align: right;">Page 221</p> <p>1 Ishaque Thanwalla</p> <p>2 actually a different thing, you were talking</p> <p>3 about do we play a role, are you asking</p> <p>4 about the bank?</p> <p>5 Q. Yes.</p> <p>6 A. You changed subjects, I just</p> <p>7 want to make sure we stay on the same path.</p> <p>8 Your question was how long it takes for the</p> <p>9 bank to reply back, is that your question?</p> <p>10 Q. Right, how much time?</p> <p>11 A. It all depends.</p> <p>12 Q. Do you have a range?</p> <p>13 A. The range is between 20 minutes</p> <p>14 to an hour, hour-and-a-half or maybe two.</p> <p>15 Q. Is it true that most of your</p> <p>16 customers do not have excellent credit?</p> <p>17 A. Most of our geographic location,</p> <p>18 we do not have the greatest credit.</p> <p>19 Q. Do you recall your attorney</p> <p>20 asking my client a question about racial</p> <p>21 profiling of the customers; did that happen</p> <p>22 at Hillside Auto Outlet?</p> <p>23 A. What do you mean by "racial</p> <p>24 profiling?"</p> <p>25 Q. Let's try to do this and address</p>


<p style="text-align: right;">Page 222</p> <p>1 Ishaque Thanwalla</p> <p>2 it in the shortest way we can. In terms of</p> <p>3 the person who does not have good credit or</p> <p>4 that person has good credit that happens on</p> <p>5 your watch.</p> <p>6 Let's look at it this way the</p> <p>7 person that person does not have good credit</p> <p>8 or that person has good credit, that happens</p> <p>9 under your watch, right?</p> <p>10 A. Let me put it this way. I have a</p> <p>11 very extensive training in the car business.</p> <p>12 One thing about me, I don't judge a book by</p> <p>13 its cover. We do not judge. You can be any</p> <p>14 color, any race, any religion, and we treat</p> <p>15 them equally. We don't have one -- only one</p> <p>16 identity that we look at.</p> <p>17 Q. Is it true that you hold them to</p> <p>18 the same standard?</p> <p>19 A. Yes, I do. We only have one</p> <p>20 identity. I am very strong about that.</p> <p>21 Q. In terms of credit, no one is</p> <p>22 just turned away because they look a certain</p> <p>23 way, the credit has to be run, correct?</p> <p>24 A. Correct, the credit has to be</p> <p>25 run if they want to buy on credit, if they</p>	<p style="text-align: right;">Page 223</p> <p>1 Ishaque Thanwalla</p> <p>2 want to pay cash, we don't have to run it.</p> <p>3 But, we still need to get the social</p> <p>4 security for the tax form, but no.</p> <p>5 Q. You mentioned in your</p> <p>6 Supplemental Interrogatories that you have a</p> <p>7 secondhand dealer's license and certificate</p> <p>8 of authority; is that correct?</p> <p>9 A. Secondhand dealer license, yes.</p> <p>10 Q. Do you also have a certificate</p> <p>11 of authority?</p> <p>12 A. Authority for what?</p> <p>13 Q. I don't know, that's what you</p> <p>14 wrote.</p> <p>15 A. An authority to issue DMV, yes.</p> <p>16 MS. TROY: Demand number</p> <p>17 9, it will be the secondhand</p> <p>18 dealer license and</p> <p>19 certificate of authority for</p> <p>20 161-10 Hillside Auto Avenue,</p> <p>21 or for you personally.</p> <p>22 MR. KATAEV: I am going to</p> <p>23 place that response in front</p> <p>24 of the witness.</p> <p>25 MS. TROY: That is fine.</p>
<p style="text-align: right;">Page 224</p> <p>1 Ishaque Thanwalla</p> <p>2 I am also asking or</p> <p>3 requesting the Declaration of</p> <p>4 Serge.</p> <p>5 MR. KATAEV: Should I read</p> <p>6 this --</p> <p>7 MS. TROY: Not all</p> <p>8 questions require him to read</p> <p>9 that, but he can read it if</p> <p>10 it helps him.</p> <p>11 MR. KATAEV: This is the</p> <p>12 Supplemental Response and</p> <p>13 Interrogatory number 9?</p> <p>14 MS. TROY: Correct. You</p> <p>15 can read it to him and let me</p> <p>16 know when you are done</p> <p>17 reading it.</p> <p>18 (The witness peruses)</p> <p>19 THE WITNESS: Okay.</p> <p>20 Q. I am asking you if you</p> <p>21 identified these documents, they have not</p> <p>22 been turned over yet, please turn it over.</p> <p>23 That is another demand.</p> <p>24 MR. KATAEV: Documents are</p> <p>25 being requested.</p>	<p style="text-align: right;">Page 225</p> <p>1 Ishaque Thanwalla</p> <p>2 MS. TROY: The secondhand</p> <p>3 dealer license and the</p> <p>4 certificate of authority that</p> <p>5 was mentioned and referred to</p> <p>6 was never produced.</p> <p>7 MR. KATAEV: You never</p> <p>8 made a demand for it,</p> <p>9 MS. TROY: I'm making a</p> <p>10 post-demand request for it.</p> <p>11 MR. KATAEV: Put it in</p> <p>12 writing and we will respond.</p> <p>13 Q. Mr. Thanwalla, can you just take</p> <p>14 a quick look at the two other documents that</p> <p>15 your attorney has printed for you, which is</p> <p>16 the documents, it's document request</p> <p>17 responses and the supplemental responses.</p> <p>18 Please just take a look at the document and</p> <p>19 can you just confirm for me that it is</p> <p>20 accurate and complete to the best of your</p> <p>21 knowledge.</p> <p>22 A. I've been through this document</p> <p>23 previously, it's the same document, yes.</p> <p>24 Q. Just to confirm that both</p> <p>25 document requests and responses as well as</p>

<p style="text-align: right;">Page 226</p> <p>1 Ishaque Thanwalla</p> <p>2 the supplemental responses, there were two</p> <p>3 documents that you looked at, correct?</p> <p>4 MR. KATAEV: Let's go off</p> <p>5 the record.</p> <p>6 (A discussion was held off</p> <p>7 the record)</p> <p>8 A. Okay, looking at the same</p> <p>9 thing that I looked at yes.</p> <p>10 Q. Just to be clear, the document</p> <p>11 production responses are the 38 page</p> <p>12 document, that, and let's start with that,</p> <p>13 you said that you reviewed the document and</p> <p>14 it is complete, it is accurate to the best</p> <p>15 of your knowledge, correct?</p> <p>16 A. To the best of my ability, yes.</p> <p>17 Q. Then, do you see the five-page</p> <p>18 document?</p> <p>19 A. Yes.</p> <p>20 Q. Could you say the same for that</p> <p>21 5-page document that it is true and complete</p> <p>22 to the best of your knowledge?</p> <p>23 A. To the best of my knowledge,</p> <p>24 yes.</p> <p>25 Q. Now, I'm going to show you this</p>	<p style="text-align: right;">Page 227</p> <p>1 Ishaque Thanwalla</p> <p>2 on the screen, and we are looking at</p> <p>3 Plaintiff's Exhibit 10 for identification.</p> <p>4 Q. We are looking at plaintiff's</p> <p>5 Exhibit 10 for identification. I'm just</p> <p>6 going to point your attention to a couple of</p> <p>7 different sections and I will have a couple</p> <p>8 of questions after I point your attention to</p> <p>9 that section, okay?</p> <p>10 A. Okay.</p> <p>11 Q. Let's take a look, and if you</p> <p>12 are looking on the paper it is page 3.</p> <p>13 there's specific demand responses and we are</p> <p>14 at number one. Let me know when you are</p> <p>15 finished reading demand number 17 and his</p> <p>16 response.</p> <p>17 MR. KATAEV: It is cut off</p> <p>18 on the screen. I'm going to</p> <p>19 ask him to read this.</p> <p>20 MS. TROY: Let me know</p> <p>21 when you guys are done.</p> <p>22 (The witness peruses the</p> <p>23 document).</p> <p>24 THE WITNESS: What is your</p> <p>25 question?</p>
<p style="text-align: right;">Page 228</p> <p>1 Ishaque Thanwalla</p> <p>2 Q. The question is: is it accurate</p> <p>3 to say that the weekly sales records were</p> <p>4 not turned over as part of the Supplemental</p> <p>5 Response?</p> <p>6 A. The weekly sales records were</p> <p>7 not part of this part of the record.</p> <p>8 Q. Let me backtrack for a moment.</p> <p>9 Do you recall earlier today that you</p> <p>10 mentioned that there was a weekly record of</p> <p>11 the sales of the cars as well as the</p> <p>12 commission, and the bonuses, et cetera for</p> <p>13 each car's salesman at Hillside Auto?</p> <p>14 A. Yes, yes.</p> <p>15 Q. The question was: was that</p> <p>16 record provided as part of the Responses</p> <p>17 that are in 17, again, it's a yes or no</p> <p>18 question?</p> <p>19 MR. KATAEV: Objection to</p> <p>20 the form. You can answer.</p> <p>21 A. Yes.</p> <p>22 Q. You are saying it was turned</p> <p>23 over?</p> <p>24 A. Yes.</p> <p>25 MS. TROY: Please just</p>	<p style="text-align: right;">Page 229</p> <p>1 Ishaque Thanwalla</p> <p>2 turn that over.</p> <p>3 MR. KATAEV: Put it in</p> <p>4 writing and I will respond.</p> <p>5 Q. Turning your attention to</p> <p>6 question 21, a similar process. Please read</p> <p>7 over the question with your counsel, read</p> <p>8 over the question and the response and let</p> <p>9 me know when you are done because I will</p> <p>10 have a question for you.</p> <p>11 MS. TROY: Does he want on</p> <p>12 the screen or on the paper?</p> <p>13 THE WITNESS: I would like</p> <p>14 it on the screen better.</p> <p>15 MS. TROY: Perfect, tell</p> <p>16 me when I should scroll down.</p> <p>17 A. Okay.</p> <p>18 Q. If you don't mind, just read 39</p> <p>19 and let me know when you are done with the</p> <p>20 question and the response.</p> <p>21 A. Okay.</p> <p>22 Q. Is number 39, correct to the</p> <p>23 best of your knowledge?</p> <p>24 A. Yes.</p> <p>25 Q. Read the request number 40, and</p>

<p style="text-align: right;">Page 230</p> <p>1 Ishaque Thanwalla</p> <p>2 let me know when you are done, the request</p> <p>3 and the response.</p> <p>4 A. Okay. What's your question?</p> <p>5 Q. My question is, is it correct to</p> <p>6 say that there are no complaints for unpaid</p> <p>7 wages from anyone, including your employees?</p> <p>8 A. You are telling me unpaid wages</p> <p>9 that I am not paying someone, they have a</p> <p>10 complaint?</p> <p>11 Q. Correct.</p> <p>12 A. I can't remember -- I have never</p> <p>13 paid anyone lost wages, people I mostly paid</p> <p>14 people.</p> <p>15 Q. The question is not about the</p> <p>16 underlying facts, but the fact that the</p> <p>17 complaint has the name, whether that was a</p> <p>18 formal complaint in the Court or a non-</p> <p>19 informal complaint.</p> <p>20 My question is: did you turn over all of</p> <p>21 the documents that you have in your</p> <p>22 possession pertaining to any such</p> <p>23 complaints?</p> <p>24 A. Yes, I have.</p> <p>25 Q. Earlier when you mentioned, when</p>	<p style="text-align: right;">Page 231</p> <p>1 Ishaque Thanwalla</p> <p>2 I asked you if you were a party to any</p> <p>3 Action, do you recall that there was a New</p> <p>4 York State Court Action against you for</p> <p>5 wages?</p> <p>6 A. You bring that up, I respect</p> <p>7 that you saw that, I only owed her a hundred</p> <p>8 bucks. A hundred bucks in wages.</p> <p>9 Q. My question is: as part of the</p> <p>10 State Law Action, did you receive any</p> <p>11 documents?</p> <p>12 A. Yes, probably, but I can't</p> <p>13 recall 100 percent.</p> <p>14 Q. Let me just scroll down to</p> <p>15 number 46. Please read that request and</p> <p>16 answer and let me know when you are done.</p> <p>17 A. 47?</p> <p>18 Q. 46, I said.</p> <p>19 A. 46? Okay, what's your question</p> <p>20 on this.</p> <p>21 Q. Besides Leticia, who else was a</p> <p>22 female car salesperson at Hillside Auto</p> <p>23 Outlet?</p> <p>24 A. There was a lot of female</p> <p>25 salespersons that worked for me in time, but</p>
<p style="text-align: right;">Page 232</p> <p>1 Ishaque Thanwalla</p> <p>2 I can't recall everybody's name.</p> <p>3 Q. Now, when Leticia was working,</p> <p>4 Leticia was a female person --</p> <p>5 A. There was more than one, more</p> <p>6 than one, but I can't recall everybody's</p> <p>7 name. I can't recall.</p> <p>8 Q. Do you recall receiving a</p> <p>9 Complaint for sexual or pregnancy</p> <p>10 discrimination from Lilly or anyone else?</p> <p>11 A. Never received anything from</p> <p>12 Lilly.</p> <p>13 Q. How about overall in general</p> <p>14 from anyone?</p> <p>15 A. Received it from Leticia and I</p> <p>16 was stunned. After she left, I generally --</p> <p>17 in July and August we received some kind of</p> <p>18 pregnancy discrimination, hourly rate, and I</p> <p>19 was stunned, I was highly stunned. She was</p> <p>20 treated like family and she left because she</p> <p>21 got a better job opportunity elsewhere. I</p> <p>22 really took it to heart, because I tried to</p> <p>23 treat her as my own. You can see that on</p> <p>24 the text messages, 90 percent, close to</p> <p>25 that, I have treated her like my family</p>	<p style="text-align: right;">Page 233</p> <p>1 Ishaque Thanwalla</p> <p>2 until she left, and she changed colors. She</p> <p>3 was coerced. I don't know.</p> <p>4 Maybe somebody did that coaching, the</p> <p>5 only person, her parents or her mother or</p> <p>6 her father. They both were in the lawsuit,</p> <p>7 maybe she was coached to do that, but I have</p> <p>8 no idea.</p> <p>9 MS. TROY: Let's refrain</p> <p>10 from personal attacks of</p> <p>11 anyone's father or mother.</p> <p>12 Let's just try to finish</p> <p>13 this.</p> <p>14 THE WITNESS: I am saying</p> <p>15 that they are both lawsuit</p> <p>16 happy.</p> <p>17 MS. TROY: I appreciate</p> <p>18 that, but --</p> <p>19 THE WITNESS: She's trying</p> <p>20 now.</p> <p>21 MS. TROY: I appreciate</p> <p>22 your feedback. Let's focus</p> <p>23 for a second on the topic.</p> <p>24 A. Yes.</p> <p>25 Q. So, question 47 and the</p>

<p style="text-align: right;">Page 234</p> <p>1 Ishaque Thanwalla</p> <p>2 response, can you read that question and</p> <p>3 answer and let me know when you are done.</p> <p>4 A. Okay.</p> <p>5 Q. The question is, whether any</p> <p>6 other investigations occurred after Leticia</p> <p>7 complained, made the complaint?</p> <p>8 A. Not that I know of.</p> <p>9 Q. I'm going to turn your attention</p> <p>10 to this portion that is highlighted in the</p> <p>11 Response. This portion of the Response says</p> <p>12 that documents "were previously withheld</p> <p>13 solely for requests number 21, 34 43, 44, 45</p> <p>14 (Angris Guzman only), 58, 75, 79, 80, 85,</p> <p>15 89, 90, 91, and 92." Is that a correct</p> <p>16 statement to the best of your knowledge?</p> <p>17 A. Is that what you requested</p> <p>18 earlier?</p> <p>19 Q. Please focus on my question.</p> <p>20 The question is: does this statement, is it</p> <p>21 true to the best of your knowledge, the one</p> <p>22 that I have highlighted?</p> <p>23 A. I can't answer that question yes</p> <p>24 or no. I can't, I don't think the question</p> <p>25 is so in reality, and I am dyslexic. Can</p>	<p style="text-align: right;">Page 235</p> <p>1 Ishaque Thanwalla</p> <p>2 you elaborate the question and I will answer</p> <p>3 your question?</p> <p>4 Q. Sure. So your attorney</p> <p>5 mentioned that some of the Responses, some</p> <p>6 of the other Responses, that there are</p> <p>7 various objections, and the Judge, the</p> <p>8 defendant, clarified that with respect to</p> <p>9 some of the Responses. This statement says</p> <p>10 that there are documents that were not</p> <p>11 provided because of the objections and then</p> <p>12 listed the numbers.</p> <p>13 So, my question for you is, is that</p> <p>14 correct to the best of your knowledge? If</p> <p>15 you don't know, just say that you don't</p> <p>16 know.</p> <p>17 A. I don't know.</p> <p>18 MS. TROY: So, if you</p> <p>19 don't mind, just find out and</p> <p>20 let me know when you have had</p> <p>21 a chance to do so. That</p> <p>22 would be great.</p> <p>23 I'm going to ask the</p> <p>24 reporter to leave a blank</p> <p>25 space in the transcript for</p>
<p style="text-align: right;">Page 236</p> <p>1 Ishaque Thanwalla</p> <p>2 that information.</p> <p>3</p> <p>4 (Insert)</p> <p>5 MS. TROY: That is the</p> <p>6 last question, those are all</p> <p>7 the questions I have for you</p> <p>8 today, Mr. Thanwalla. Thank</p> <p>9 you. I appreciate your time.</p> <p>10</p> <p>11 [Time noted 5:19 p.m)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 237</p> <p>1 Ishaque Thanwalla</p> <p>2 WITNESS EXAMINATION BY PAGE</p> <p>3 Mr. Thanwalla Mr. Troy 6</p> <p>4 PLAINTIFF EXHIBITS</p> <p>5 Number Description PAGE</p> <p>6</p> <p>7 Ex 1 ID (to be Deemed marked) 6</p> <p>8 Ex 2 Termination letter 68</p> <p>9 Ex 3 Text messages 122</p> <p>10 Ex 4 What'sApp 124</p> <p>11 Ex 5 Text messages sent using 169</p> <p>12 Decipher App</p> <p>13 Ex 6 Decipher chat on What'sApp 169</p> <p>14 Ex 7 Decipher chat conversations 169</p> <p>15 Ex 8 Verification of Ishaque 209</p> <p>16 Thanwalla</p> <p>17 Ex 9 Final Verified response to 209</p> <p>18 Interrogatories</p> <p>19 Ex 10 Final Supplemental Response 209</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 238				Page 239			
1	Ishaque Thanwalla			1	Ishaque Thanwalla		
2	REQUESTS			2	the individuals who the		
3	Number Description PAGE			3	witness identified as numbers		
4	1 MS. TROY: Demand No 1	79		4	21,22,2,23,24,4,13,3,25,17,26		
5	Is: Provide the text			5	27,28,29,20,30,31,32,33,34,19,		
6	messages between Ishaque			6	35,36,38,39 and 37.		
7	Thanwalla and Stidhum.			7	7 MS. TROY: Demand No. 7 is:	119	
8	2 MS. TROY: Demand No 2 is:	79		8	Provide written documents		
9	Provide WhatsApp messages			9	containing the cars sold,		
10	between Thanwalla and Leticia.			10	the name of the customer,		
11	3 MS. TROY: Demand No 3 is:	79		11	the bonus and commissions		
12	Provide email exchanges			12	received.		
13	between Ishaque Thanwalla and			13	8 MS. TROY: Demand No 8 is:	120	
14	Stidhum.			14	provide any electronic files		
15	4 MS. TROY: Demand No 4 is:	81		15	or inputs by the office		
16	Provide the surveillance			16	manager or her assistant		
17	footage.			17	regarding the same.		
18	5 MS. TROY: Demand No 5 is:	81		18	9 MS. TROY: Demand No 9	223	
19	Provide police report, both			19	is: Provide the unredacted		
20	of which concerns the robbery			20	version of the documents,		
21	that took place at Hillside Auto			21	because there is clearly some		
22	Outlet.			22	confusion as to who and what		
23	6 MS. TROY: Demand No 6 is:	118		23	or even if Mr. Parsons		
24	provide the name as well			24	actually was there.		
25	as the position for each of			25	10 MS. TROY: Demand No 10 is:	163	
Page 240				Page 241			
1	Ishaque Thanwalla			1	Ishaque Thanwalla		
2	Cutting to the chase,			2	15 MS. TROY: Demand No 15 is:	66	
3	if you could just provide			3	(Insert)		
4	the unredacted version of			4	16 MS. TROY: Demand No 16 is:	74	
5	the documents, because there			5	(Insert)		
6	is clearly some confusion as			6	17 MS. TROY: Demand No 17 is:	236	
7	to who and what or even if			7	(Insert)		
8	Mr. Parsons actually was there.			8			
9	11 MS. TROY: Demand No 11 is:	175		9			
10	Mr. Kataev, it appears that			10			
11	this is the Decipher app,			11			
12	and it's a black and white			12			
13	photograph of the actual video.			13	QUESTIONS MARKED FOR A RULING: PAGE/LINE		
14	My question is, can you get me			14	(None)		
15	the actual video?			15			
16	12 MS. TROY: Demand No 12 is:	224		16			
17	The secondhand dealer license			17			
18	and the certificate of authority			18			
19	that was mentioned and referred			19			
20	to was never produced. I'm making			20			
21	a post-demand request for it.			21			
22	13 MS. TROY: Demand No 13 is:	42		22			
23	(Insert)			23			
24	14 MS. TROY: Demand No 14 is:	66		24			
25	(Insert)			25			

<p style="text-align: right;">Page 242</p> <p>1</p> <p>2 ACKNOWLEDGMENT</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p>5)s.s.</p> <p>6 COUNTY OF NASSAU)</p> <p>7 I, Ishaque Thanwalla, hereby</p> <p>8 certify that I have read the transcript of</p> <p>9 my testimony taken under oath in my</p> <p>10 deposition of February 24, 2023; that the</p> <p>11 transcript is a true, complete and correct</p> <p>12 record of my testimony, and that the</p> <p>13 answers on the record as given by me are</p> <p>14 true and correct.</p> <p>15</p> <p>16 _____</p> <p>17 ISHAQUE THANWALLA</p> <p>18</p> <p>19 Signed and subscribed before me</p> <p>20 this ____ day of _____, 2023.</p> <p>21</p> <p>22</p> <p>23 _____</p> <p>24 Notary Public</p> <p>25</p>	<p style="text-align: right;">Page 243</p> <p>1 C E R T I F I C A T E</p> <p>2 STATE OF NEW YORK)</p> <p>3)s.s.</p> <p>4 COUNTY OF NASSAU)</p> <p>5</p> <p>6 I, LYNN LUCKMAN, a Shorthand</p> <p>7 Reporter and Notary Public within and for</p> <p>8 the State of New York, do certify that;</p> <p>9 THAT the witness whose deposition</p> <p>10 is hereinbefore set forth, was duly sworn by</p> <p>11 me, and that such deposition is a true</p> <p>12 record of the testimony given by such</p> <p>13 witness.</p> <p>14 I further certify that I am not</p> <p>15 related to any of the parties to this action</p> <p>16 by blood or marriage; that I am in no way</p> <p>17 interested in the outcome of this matter.</p> <p>18 IN WITNESS WHEREOF, I have</p> <p>19 hereunto set my hand this 8th day of</p> <p>20 March, 2023.</p> <p>21 </p> <p>22 _____</p> <p>23 LYNN LUCKMAN</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 244</p> <p>1 Errata Sheet</p> <p>2</p> <p>3 NAME OF CASE: LETICIA FRANCINE STIDHUM -against- 161-10 HILLSIDE AUTO AVE, LLC</p> <p>4 DATE OF DEPOSITION: 02/24/2023</p> <p>5 NAME OF WITNESS: ISHAQUE THANWALLA</p> <p>6 Reason Codes:</p> <p>7 1. To clarify the record.</p> <p>8 2. To conform to the facts.</p> <p>9 3. To correct transcription errors.</p> <p>10 Page ____ Line ____ Reason ____</p> <p>11 From ____ to ____</p> <p>12 Page ____ Line ____ Reason ____</p> <p>13 From ____ to ____</p> <p>14 Page ____ Line ____ Reason ____</p> <p>15 From ____ to ____</p> <p>16 Page ____ Line ____ Reason ____</p> <p>17 From ____ to ____</p> <p>18 Page ____ Line ____ Reason ____</p> <p>19 From ____ to ____</p> <p>20 Page ____ Line ____ Reason ____</p> <p>21 From ____ to ____</p> <p>22 Page ____ Line ____ Reason ____</p> <p>23 From ____ to ____</p> <p>24</p> <p>25 _____</p>	